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MAY 9 1956
INVESTIGATION OF COMMUNIST INFILTRATION OF
GOVERNMENT—PART 5

HEARINGS
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH CONGRESS
SECOND SESSION

—
FEBRUARY 28, 29, AND MARCH 1, 1956
—

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(INCLUDING INDEX)



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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress (1946), chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American Activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 84TH CONGRESS

House Resolution 5, January 5, 1955

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

* * * * *

(q) Committee on Un-American Activities, to consist of nine members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American Activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee is authorized to make from time to time investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

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INVESTIGATION OF COMMUNIST INFILTRATION OF GOVERNMENT—PART 5

TUESDAY, FEBRUARY 28, 1956

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 10 a. m., pursuant to recess, in the caucus room, Old House Office Building, Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Francis E. Walter, of Pennsylvania (presiding); James B. Frazier, Jr., of Tennessee; Edwin E. Willis, of Louisiana; Bernard W. Kearney, of New York; and Gordon H. Scherer, of Ohio.

Staff members present: Richard Arens, acting counsel, and Courtney E. Owens, investigator.

The CHAIRMAN. The committee will be in order.

Will you call your first witness, Mr. Arens?

Mr. ARENS. Mrs. Selma Rein, please come forward. Please remain standing and raise your right hand to be sworn.

The CHAIRMAN. Do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth and nothing but the truth, so help you God?

Mrs. REIN. I do.

TESTIMONY OF MRS. SELMA REIN, ACCOMPANIED BY COUNSEL, JOSEPH FORER

Mr. ARENS. Kindly identify yourself by name, residence and occupation.

Mrs. REIN. My name is Selma Rein, R-e-i-n, and I live at 5066 MacArthur Boulevard NW., and I am a housewife.

Mr. ARENS. Your husband's name, please?

Mrs. REIN. David Rein.

Mr. ARENS. Mrs. Rein, are you appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mrs. REIN. Yes.

Mr. ARENS. Are you represented by counsel?

Mrs. REIN. Yes, sir.

Mr. ARENS. Will counsel identify himself, please?

Mr. FORER. Joseph Forer, 711 14th Street NW., Washington, D. C.

Mr. ARENS. Mrs. Rein, will you please give us a very brief sketch of your background, particularly your education prior to the time that you became an adult?

Mrs. REIN. I was graduated, of course, from grammar school, high school, and Brooklyn College.

Mr. ARENS. From what State do you come?

Mrs. REIN. I come from New York State.

Mr. ARENS. Were you born there?

Mrs. REIN. I was born in New York City. I took various graduate courses in my field, and I guess that is about all I can say.

Mr. ARENS. When did you complete your formal education?

Mrs. REIN. In June 1933.

Mr. ARENS. Where did you complete your formal education?

Mrs. REIN. Brooklyn College, in New York City.

Mr. ARENS. Did you receive a degree there?

Mrs. REIN. Yes; I did.

Mr. ARENS. Kindly trace for us in chronological order the employment you have had since completing your formal education.

Mrs. REIN. The major part of my employment, from 1934 to 1937 I was on various WPA projects in the city of New York.

Mr. ARENS. What was the nature of your employment with the WPA?

Mrs. REIN. I was a statistician and research worker, variously.

Then from 1937 to 1946 I was employed by the United States Government.

Mr. ARENS. Would you kindly give us the various agencies of the Government in which you were employed, beginning in 1937?

Mrs. REIN. The Department of Labor, the National Labor Relations Board.

Mr. ARENS. How long were you employed in the Department of Labor?

Mrs. REIN. I think about 7 months—I went there about March of 1937.

Mr. ARENS. In what capacity were you employed in the Department of Labor?

Mrs. REIN. I was a statistical clerk.

Mr. ARENS. Kindly proceed with your next employment and the date on which it commenced.

Mrs. REIN. I had a very short temporary job with the Securities and Exchange Commission. It might not have lasted more than a month. I can't begin to remember what I did.

Mr. ARENS. That was in 1937 likewise?

Mrs. REIN. Yes; or very early 1938; I am really not sure.

Mr. ARENS. Kindly proceed to trace your employment.

Mrs. REIN. Then I was employed by the National Labor Relations Board.

Mr. ARENS. Beginning in 1938?

Mrs. REIN. Yes, until I believe 1940.

Mr. ARENS. Please tell us in what capacity you were employed in the National Labor Relations Board.

Mrs. REIN. I did research work and I had general classification as a research worker, doing social science analysis or something like that.

Mr. ARENS. You say that was until 1940?

Mrs. REIN. Yes.

Mr. ARENS. Kindly proceed.

Mrs. REIN. In 1940 I had a very short period of employment with the Social Security Board. I do not think that lasted more than a month or two, also as an analyst or statistician, and then after that I went to work for the House Committee on Interstate Migration. It was under Representative Tolan. House Committee on Interstate Migration, Select Committee.

Mr. ARENS. That was in 1940 likewise?

Mrs. REIN. Yes.

Mr. ARENS. What was the nature of your employment with the Select Committee to Investigate the Interstate Migration of Destitute Citizens?

Mrs. REIN. I was a research worker and writer.

Mr. ARENS. Who was the staff director?

Mrs. REIN. The director was Robert Lamb.

Mr. ARENS. Kindly proceed in chronological order, if you please.

Mrs. REIN. My next position was with the Farm Security Administration.

Mr. ARENS. That was in 1941?

Mrs. REIN. It was either late 1940 or early 1941.

Mr. ARENS. Just your best recollection, please.

Mrs. REIN. Yes, that is my best recollection.

Mr. ARENS. In what capacity were you employed at the Farm Security Administration?

Mrs. REIN. Labor market analyst.

Mr. ARENS. Kindly give us your next employment.

Mrs. REIN. It was the Social Security Board, which then became part of the War Manpower Commission under the war program.

Mr. ARENS. Did that begin in 1942?

Mrs. REIN. In 1942; yes.

Mr. ARENS. How long were you so employed?

Mrs. REIN. Until the fall of 1946.

Mr. ARENS. Kindly trace your employment from then on.

Mrs. REIN. I had a position with a local of an A. F. of L. union, I think it was, 1950 or 1951, for about 8 months.

Mr. ARENS. What A. F. of L. union was that?

Mrs. REIN. Local 471 of the hotel workers.

Mr. ARENS. In what capacity were you employed?

Mrs. REIN. Office secretary.

Mr. ARENS. Where was that?

Mrs. REIN. 1215 R Street.

Mr. ARENS. What happened between 1946 and 1950?

Mrs. REIN. I was not employed.

Mr. ARENS. You left the Government in 1946; is that correct?

Mrs. REIN. Yes.

Mr. ARENS. Have you had any employment other than the A. F. of L. union employment since you left the Government?

Mrs. REIN. Just a month's research employment on a part-time basis.

Mr. ARENS. For what organization?

Mrs. REIN. A local economist here, Raymond Goldsmith is his name.

Mr. ARENS. In what capacity did you serve?

Mrs. REIN. Doing research in a library.

Mr. ARENS. Research for what purpose? What type of research?

Mrs. REIN. Fiscal research, financial research.

Mr. ARENS. For how long a period of time?

Mrs. REIN. Just a month.

Mr. ARENS. Do you recall the year?

Mrs. REIN. 1955.

Mr. ARENS. Have you had any other employment?

Mrs. REIN. No.

Mr. ARENS. Tell us before we revert to your first employment what precipitated your disassociation from the the Government?

Mrs. REIN. I wanted to stay home and start raising a family.

Mr. ARENS. Is that the only reason why?

Mrs. REIN. Yes.

Mr. ARENS. Did you know anyone in the Agriculture Department prior to the time that you actually assumed your job in the Farm Security Administration in 1941?

Mrs. REIN. I may have.

Mr. ARENS. Whom did you know in the Farm Security Administration prior to the time that you went there?

Mrs. REIN. I don't remember.

Mr. ARENS. Did you know Nathan Gregory Silvermaster?

Mrs. REIN. I did not know him before I went to work there.

Mr. ARENS. Did you make his acquaintanceship in the Department of Agriculture?

Mrs. REIN. Yes, he was my boss.

Mr. ARENS. Over what period of time was he your boss?

Mrs. REIN. All the period that I worked at Farm Security, which I think may have been a year and a half.

Mr. ARENS. Did you know him prior to the time you went to the Department of Agriculture?

Mrs. REIN. No.

Mr. ARENS. Did he have anything to do with your assignment in the Department of Agriculture?

Mrs. REIN. I don't understand the question.

Mr. ARENS. Did he have anything to do with the procurement of your job in the Department of Agriculture?

Mrs. REIN. I went to him to be interviewed and then I was hired. I mean he was the head of that particular division.

Mr. ARENS. Are you now a member of the Communist Party, Mrs. Rein?

Mrs. REIN. I refuse to answer that question under my privilege under the fifth amendment.

Mr. ARENS. What privilege under the fifth amendment?

Mrs. REIN. As I understand it, the fifth amendment is part of the Bill of Rights, and it grants American citizens the privilege not to testify against themselves.

Mr. ARENS. Do you feel that if you would tell this committee a truthful answer as to whether or not you are now a member of the Communist Party, you would be supplying information which could be used against you in a criminal proceeding?

Mrs. REIN. I refuse to answer for the same reason.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question.

(Witness confers with counsel.)

Mrs. REIN. I abide by my refusal.

Mr. ARENS. I lay before you a photostatic copy of a document bearing a signature "Selma R. Rein," and ask you if you can identify that signature?

Mrs. REIN. Yes.

Mr. ARENS. Is that your signature?

Mrs. REIN. Yes.

Mr. ARENS. And that is to a document entitled, "United States Department of Agriculture, Farm Security Administration, Mrs. Selma R. Rein, dated June 28, 1941," is it not?

Mrs. REIN. Yes, sir.

Mr. ARENS. You will observe on this particular document in the nature of an affidavit, there is a statement that the affiant is not a Communist—let me read it:

* * * is not a Communist or a member of any Nazi Bund organization and will not become a Communist or a member of any Nazi Bund organization during any time he may be paid from funds appropriated to the Department of Agriculture by the Emergency Relief Appropriation Act, fiscal year 1941.

He does not advocate or hold membership in any organization that advocates and will not advocate or hold membership in any organization that advocates (during any time he may be paid from funds appropriated to the Department of Agriculture by the Emergency Relief Appropriation Act, fiscal year 1941), the overthrow of the Government of the United States.

Did you make such an affidavit?

Mrs. REIN. I did.

Mr. ARENS. Was that affidavit you made true or was it false?

(Witness confers with counsel.)

Mrs. REIN. I refuse to answer on the basis of my privilege under the fifth amendment.

Mr. ARENS. In other words, if you told this committee the truth as to whether or not you were signing a truthful affidavit in this document as of June 28, 1941, you would be supplying information which could be used against you in a criminal proceeding; is that correct?

Mrs. REIN. I refuse to answer for the same reason.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer this question.

The CHAIRMAN. You are directed to answer that question.

(Witness confers with counsel.)

Mrs. REIN. I refuse to answer for the same reason.

Mr. ARENS. Mr. Chairman, I respectfully suggest that this document, which has been identified by the witness, be marked "Selma Rein Exhibit No. 1" and be incorporated by reference in this record for retention in the committee files.

The CHAIRMAN. So received.

Mr. ARENS. When you were with the National Labor Relations Board, was your husband likewise employed there?

Mrs. REIN. Yes, he was.

Mr. ARENS. Can you tell us whether or not, while you were employed by the National Labor Relations Board, a person by the name of Helen Hill was likewise employed there?

May I suggest the possibility that her name may have been at that time Helen Himmelfarb?

Mrs. REIN. Yes.

Mr. ARENS. Did you know Helen Himmelfarb?

Mrs. REIN. I did.

Mr. ARENS. What was the nature of your acquaintanceship with her?

Mrs. REIN. We worked—both worked in the Division of Economic Research at the NLRB.

Mr. ARENS. Could you tell us whether or not you and Helen Himmelfarb were co-members of any group or organization other than as fellow employees in employment?

Mrs. REIN. I refuse to answer on the basis of my privilege under the fifth amendment.

Mr. ARENS. Did you ever know a person by the name of Ruth Weyand Perry?

Mrs. REIN. Yes.

Mr. ARENS. Tell us please, what was the nature of your acquaintanceship with her?

Mrs. REIN. Well, I used to observe her around the halls of the National Labor Relations Board, but I first met her during the war when I was no longer employed at the National Labor Relations Board.

Mr. ARENS. What was the nature of your acquaintanceship? How did you happen to meet her?

Mrs. REIN. My husband was stationed at Quantico and she used to go down there and I used to go down there, and we met.

Mr. ARENS. Do you know whether or not she is or has been a member of the Communist Party?

Mrs. REIN. I refuse to answer that question for the same reason.

Mr. ARENS. Do you honestly apprehend that if you would tell this committee whether or not to your certain knowledge Ruth Weyand Perry is or has been a member of the Communist Party, you would be supplying information which would be used against you in a criminal proceeding?

Mr. FORER. Mr. Chairman, I really don't think that type of question is a proper question. It has been repeated several times.

Mr. ARENS. Would you kindly answer the question?

(Witness confers with counsel.)

Mrs. REIN. I refuse to answer for the same reason.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer that question.

Mrs. REIN. I refuse to answer for the same reason.

Mr. ARENS. Would you tell us whether or not, during your activities and associations at the Labor Relations Board, you knew a person by the name of Frank Donner?

Mrs. REIN. Yes.

Mr. ARENS. Did you know a person at the National Labor Relations Board by the name of Herbert Fuchs?

Mrs. REIN. Yes.

Mr. ARENS. What was the nature of your acquaintanceship with him?

Mrs. REIN. At the time I worked for the National Labor Relations Board, I knew him very slightly.

Mr. ARENS. How about later on? Did you ever increase the intimacy of your acquaintanceship with him?

Mrs. REIN. Later on we became good friends.

Mr. ARENS. What occasioned that?

Mrs. REIN. They lived around the corner from us.

Mr. ARENS. Mr. and Mrs. Fuchs did?

Mrs. REIN. Yes.

Mr. ARENS. Is that the only basis upon which you became better acquainted with the Fuchs'?

Mrs. REIN. I refuse to answer that on the basis of my privilege under the fifth amendment.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny it is a fact, that in 1946 you served in a Communist Party cell in which Mr. Herbert Fuchs was a member?

Mrs. REIN. I refuse to answer that for the same reason.

Mr. ARENS. Mr. Fuchs testified under oath before the House Committee on Un-American Activities that in 1946 you were a member of a Communist Party cell of the National Labor Relations Board.

Was he lying or was he telling the truth?

Mrs. REIN. I refuse to answer that on the basis of my privilege under the fifth amendment.

Mr. ARENS. During the course of your employment at the National Labor Relations Board, did you at any time have access to restricted or confidential information?

Mrs. REIN. No.

Mr. ARENS. Do you have information respecting the transmission of restricted or confidential information to any person not authorized by law to receive the same?

Mrs. REIN. No.

Mr. ARENS. Have you been the subject of a loyalty investigation?

Mrs. REIN. Not to my knowledge.

Mr. ARENS. Have you ever been identified with the American League for Peace and Democracy?

Mrs. REIN. I refuse to answer under my privilege under the fifth amendment.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact that you were a member of the American League for Peace and Democracy?

Mrs. REIN. I refuse to answer for the same reason.

Mr. ARENS. Have you ever been connected with the Washington Committee for Aid to China?

Mrs. REIN. I refuse to answer for the same reason.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny, that you were a member of the Washington Committee for Aid to China?

Mrs. REIN. I refuse to answer for the same reason.

Mr. ARENS. And that you were the membership chairman of the Washington Committee for Aid to China?

Mrs. REIN. I refuse to answer for the same reason.

Mr. ARENS. Have you ever been identified with the Washington Committee for Democratic Action?

Mrs. REIN. I refuse to answer for the same reason.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny it it is a fact, that you were a member of the Washington Committee for Democratic Action?

Mrs. REIN. I refuse to answer for the same reason.

Mr. ARENS. Have you ever been identified with the Southern Conference for Human Welfare?

Mrs. REIN. I refuse to answer for the same reason.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that you were identified and in close association with the Southern Conference for Human Welfare?

Mrs. REIN. I refuse to answer for same reason.

Mr. ARENS. Have you ever been identified with the Washington Committee for Consumer Protection?

Mrs. REIN. I refuse to answer for the same reason.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that you were so identified with the Washington Committee for Consumer Protection?

Mrs. REIN. I refuse to answer for the same reason.

Mr. ARENS. While you were in the employment of the Federal Government, were you ever interrogated officially respecting your loyalty to this Government?

Mrs. REIN. When I worked for War Manpower Commission, and I forget the year, the date, almost the occasion, the personnel director called me in at one point.

Mr. ARENS. Who was he, please?

Mrs. REIN. A Mr. Barnett, I have forgotten his first name. He said that—well, I am very vague about the whole thing.

He said some questions had been raised about my loyalty and asked me some questions, and at the end of the hearing he said that it was obvious that I was a loyal American citizen, and that was that.

Mr. SCHERER. When he asked you that question, were you a member of the Communist Party?

Mrs. REIN. I beg your pardon?

Mr. SCHERER. When this personnel director said to you that apparently you were a loyal American citizen, were you a member of the Communist Party?

Mrs. REIN. I refuse to answer that question on the basis of my privilege under the fifth amendment?

Mr. SCHERER. Before he made that statement to you about your being apparently a loyal American citizen, did he ask you whether or not you were a member of the Communist Party?

Mrs. REIN. I don't remember.

Mr. SCHERER. You do not remember whether he asked you that question?

Mrs. REIN. No, I do not remember.

Mr. SCHERER. That is all.

Mr. ARENS. Do you have information respecting any Communist Party activities of Nathan Gregory Silvermaster, who was, as I understand it, your supervisor in the Department of Agriculture?

Mrs. REIN. I do not.

Mr. ARENS. Do you know whether or not he is a member of the Communist Party?

Mrs. REIN. I do not.

Mr. ARENS. Have you ever served in a Communist Party cell with him?

(Witness confers with counsel.)

Mrs. REIN. I have not.

Mr. ARENS. Mr. Chairman, I respectfully suggest that this would conclude the staff interrogation of this particular witness.

Mr. FRAZIER (presiding). Any questions?

Mr. WILLIS. No questions.

Mr. FRAZIER. The witness may be excused.

Mr. ARENS. The next witness, if you please, Mr. Chairman, is Mrs. Helen Hill.

Will you kindly remain standing and raise your right hand to be sworn?

Mr. FRAZIER. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. HILL. I do.

**TESTIMONY OF HELEN HILL, ACCOMPANIED BY COUNSEL,
CHARLES E. FORD**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mrs. HILL. My name is Helen Hill and I live in Arlington, Va.

Mr. ARENS. The acoustics in this room are rather poor, and it will be appreciated if you would keep your voice up so that your replies to the questions can be clearly and distinctly heard by the committee.

Now, will you repeat that, please?

Mrs. HILL. Helen Hill, and I live in Arlington, Va., and I am a housewife.

Mr. ARENS. Are you appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mrs. HILL. Yes, sir.

Mr. ARENS. Are you represented by counsel?

Mrs. HILL. Yes, sir.

Mr. ARENS. Will counsel identify himself?

Mr. FORD. Charles E. Ford, 401 Third Street NW., Washington, D. C.

Mr. ARENS. What is your husband's full name, please?

Mrs. HILL. May I consult?

Mr. ARENS. Yes.

(Witness confers with counsel.)

Mrs. HILL. Jerry Hill.

Mr. ARENS. Would you kindly give us your maiden name prior to the time that you were married?

Mrs. HILL. May I consult with my attorney?

(Witness confers with counsel.)

Mrs. HILL. Roark.

Mr. ARENS. R-o-a-r-k?

Mrs. HILL. Yes, sir.

Mr. ARENS. Have you ever gone under any other name beside Helen Hill or Helen Roark?

(Witness confers with counsel.)

Mrs. HILL. I decline to answer that question under the fifth amendment.

Mr. ARENS. Well, ma'am, you have gone under the name of Helen Himmelfarb, have you not?

Mrs. HILL. I decline to answer that for the same reason.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that until 1947 your husband's name was Himmelfarb and you carried that name until it was changed by court order. That is the fact, is it not?

Mrs. HILL. I decline to answer that question.

Mr. SCHERER. Mr. Chairman, I ask you to direct the witness to answer the question whether her name was changed by court action to Hill from Himmelfarb.

(Mr. Frazier, presiding.)

Mr. FRAZIER. You are directed to answer.

Mr. ARENS. The chairman has directed you to answer that question.

Mrs. HILL. I decline to answer that question.

Mr. SCHERER. I think we should say to the witness that, in accordance with the Supreme Court ruling, we do not accept that answer. In the opinion at least of this member of the committee, failure to answer that question might subject her to contempt.

Mr. ARENS. Now, ma'am, have you ever appeared before the House Committee on Un-American Activities before?

Mrs. HILL. I decline to answer the question under the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

Mr. FRAZIER. You are directed to answer the question.

Mrs. HILL. I decline to answer the question under the fifth amendment.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that you did appear in executive session before the House Un-American Activities Committee on Friday, May 14, 1954; that thereafter you appeared before the House committee on July 28, 1955.

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. SCHERER. Mr. Chairman, I think that the witness should be directed to answer the question because, obviously, it could not incriminate her in answering that question. We do not accept her answer.

Mr. FRAZIER. You are directed to answer the question.

Mrs. HILL. I decline to answer the question under the fifth amendment.

Mr. ARENS. Now, ma'am, kindly give us, if you please, just a word about your early life, where you were born and your education.

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

Mr. FRAZIER. You are directed to answer the question.

Mrs. HILL. I stand by my previous answer.

Mr. SCHERER. I think the record should be made abundantly clear, Mr. Chairman, that we do not accept her answer; that we feel that is an improper invocation of the fifth amendment, and that in her refusal to answer where she was born and to give us some information as to

her educational and employment background, she is in all probability in contempt of the committee.

Mr. ARENS. The chairman has directed you to answer that question.

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Now, Mrs. Hill, do you know a person by the name of H. C. Armstrong?

Mrs. HILL. I decline to answer that question under the fifth amendment.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness be ordered and directed to answer that question.

Mr. FRAZIER. You are directed to answer that question.

Mr. SCHERER. Before we go any further, Mr. Chairman, think we should perhaps break down the questions that were asked by counsel.

May I put one question to the witness?

Where were you born, witness?

(Witness confers with counsel.)

Mrs. HILL. I was born in Ephrata, Wash.

Mr. ARENS. Now, kindly tell us where you were educated?

(Witness confers with counsel.)

Mrs. HILL. I decline to answer that question under the fifth amendment.

Mr. SCHERER. I ask that the witness be directed to answer the question, Mr. Chairman, with the admonition that the committee feels that she cannot properly invoke the fifth amendment as to the question of where she was educated.

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. FRAZIER. You are directed to answer the question.

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. SCHERER. Where did you receive your elementary education?

(Witness confers with counsel.)

Mrs. HILL. Bryn Mawr, Wash.

Mr. SCHERER. Where?

Mrs. HILL. Bryn Mawr, Wash.

Mr. SCHERER. Bryn Mawr, Wash.?

Mrs. HILL. Yes, sir.

Mr. SCHERER. Where did you receive your high school education?

(Witness confers with counsel.)

Mrs. HILL. Franklin High School, Seattle, Wash.

Mr. SCHERER. Did you go to college?

(Witness confers with counsel.)

Mrs. HILL. Yes.

Mr. SCHERER. Where did you attend college?

(Witness confers with counsel.)

Mrs. HILL. The University of Washington.

Mr. SCHERER. Did you go to any other colleges or schools other than the University of Washington?

(Witness confers with counsel.)

Mrs. HILL. I attended Columbus Law School for a year.

Mr. SCHERER. Columbus Law School, Columbus, Ohio?

Mrs. HILL. Washington, D. C., and American University evening classes.

Mr. SCHERER. Have you given us all the educational institutions you attended?

Mrs. HILL. Yes, sir.

Mr. SCHERER. I have no further questions.

Mr. ARENS. What year did you complete your formal education?
(Witness confers with counsel.)

Mrs. HILL. I didn't graduate, sir.

Mr. ARENS. When did you finish what schooling you did take?
(Witness confers with counsel.)

Mrs. HILL. I don't remember exactly, sir, but I believe it was in 1940 or 1941.

Mr. ARENS. All right, and what did you do as soon as you completed your formal education?

(Witness confers with counsel.)

Mrs. HILL. I decline to answer the question under the fifth amendment.

Mr. ARENS. Ma'am, when you completed your formal education, you became employed, did you not, in the State of Washington, in a Washington federation; is that correct?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Now, in May 14, 1954, in executive session before this committee, you were asked this question by Mr. Kunzig:

Mrs. Hill, have you ever been a member of the Communist Party?

Mrs. HILL. No; I have not.

Did that transpire?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that on May 14, 1954, Mr. Kunzig, who was then counsel to the committee, asked: "Have you ever been a member of the Communist Party?" and you replied: "No; I have not"; that Mr. Kunzig then posed this question: "Are you now a member of the Communist Party?" and that you replied: "I am not."

Is that true?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Now, I put it to you as a fact that on that same day Representative Jackson, who was a member of the House Committee on Un-American Activities, posed this question to you:

Now, for the record again, and in order that it may be crystal clear—you categorically deny, under compulsion of your oath, that you are not now and have never been a member of the Communist Party?

Mrs. HILL. Yes, sir; I do.

Mr. JACKSON. You deny you have ever attended a meeting of the Communist Party?

Mrs. HILL. That is right. I deny that.

Mr. JACKSON. You deny you have ever paid dues or assessments to the Communist Party or carried a card showing membership in the Communist Party?

Mrs. HILL. Yes; I deny that also.

Mr. JACKSON. You deny categorically that you ever used the name of Bessie Love?

Mrs. HILL. I deny that, too; yes.

I ask you whether or not those questions and those answers were given before the House Committee on Un-American Activities in executive session Friday, May 14, 1954?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. SCHERER. Witness, you mean to tell us that you will not now tell this committee whether you told this committee, in 1954, the truth when you were under oath?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. SCHERER. I think she is properly invoking the fifth amendment, because obviously she wants to avoid perjury.

Mr. ARENS. Do you honestly at this time apprehend that if you told this committee truthfully whether or not the questions were asked you and the answers were given by you, which I read to you a few moments ago, under date of May 14, 1954, that you would be supplying information which could be used against you in a criminal proceeding?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. I respectfully suggest, Mr. Chairman, the witness be directed and ordered to answer that question.

Mr. FRAZIER. You are directed to answer the question.

Mr. SCHERER. What was the date of her previous testimony?

Mr. ARENS. On two occasions, Congressman.

The first occasion was Friday, May 14, 1954.

Mr. SCHERER. What is the statute of limitations on perjury?

Mr. ARENS. I am sorry; I cannot give you the precise answer on that. I expect it would run about 5 years.

Mr. SCHERER. Obviously the witness perjured herself before the committee the last time and she is properly, therefore, invoking the fifth amendment.

Mr. ARENS. Have you ever worked for the National Labor Relations Board?

(Witness confers with counsel.)

Mrs. HILL. I decline to answer that question under the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

Mr. FRAZIER. I direct you to answer the question.

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Now, ma'am, did you ever know a person by the name of Ruth Weyand Perry?

Mrs. HILL. I decline to answer that question under the fifth amendment.

Mr. ARENS. Why?

Mrs. HILL. I decline to answer that question under the fifth amendment.

Mr. ARENS. Do you feel that if you told this committee truthfully whether or not you have ever known a person by the name of Ruth Weyand Perry that you would be supplying information which could be used against you in a criminal proceeding?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Now, a man by the name of H. C. Armstrong testified, did he not, under oath in a loyalty proceeding, that he recruited you into the Communist Party in the State of Washington?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that H. C. Armstrong testified under oath in a loyalty hearing in the State of Washington that he recruited you into the Communist Party and that you were a member of the Communist Party?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Now, Mrs. Hill, the public record of this committee shows that a Mr. Herbert Fuchs identified you as a member of the Communist Party in the National Labor Relations Board in a period

in the neighborhood of 1946. Was Mr. Fuchs lying or was he telling the truth?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. You have denied Communist Party membership, notwithstanding the testimony of these people, have you not?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Now, I lay before you, ma'am, a photostatic copy of a document, standard form No. 47, captioned "Personnel Affidavit," with a signature Helen K. Himmelfarb, H-i-m-m-e-l-f-a-r-b, and ask you to see if you can identify that signature for us?

(Witness confers with counsel.)

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that that is your signature as Helen K. Himmelfarb to this personnel affidavit dated June 18, 1941, in which you state that you had never been a member of the Communist Party?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Would you kindly accommodate this committee by signing your name?

(Witness confers with counsel.)

Mr. ARENS. To this piece of paper which I lay before you with that ballpoint pen.

(Witness confers with counsel.)

Mrs. HILL. I decline to do that, sir, under the fifth amendment.

Mr. ARENS. You feel that if you were to sign your name to that piece of paper, you would be supplying information which would be used against you in a criminal proceeding?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question.

Mr. FRAZIER. I direct you to answer the question.

(Witness confers with counsel.)

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Now, Mrs. Hill, you supplied the House Committee on Un-American Activities a transcript of your loyalty hearing, did you not?

(Witness confers with counsel.)

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny the fact that you did supply to an investigator of the House Committee on Un-American Activities a transcript of your loyalty hearing, in which you denied Communist Party membership.

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Now, I lay before you a document captioned "National Labor Relations Board Application Form," and invite your attention to the signature appearing at the end of the document, and ask you if you can identify that signature.

(Witness confers with counsel.)

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Is that your signature, Helen M. Roark?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that that is your signature to this document?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Have you ever seen this document before?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Did you ever live at 1725 New Hampshire Avenue, NW., Washington, D. C.

(Witness confers with counsel.)

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that this document which I have just laid before you, captioned "National Labor Relations Board Application Form," was signed by you as Helen M. Roark?

(Witness confers with counsel.)

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. And in this application form, you gave the references of John M. Coffee, Harry Kimball, Ralph Gundlach, Nathan Fine, and H. C. Armstrong; is that true?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Do you know any of these persons?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Tell this committee whether or not you have ever been the subject of a loyalty investigation.

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Did you lie to this committee under oath when you told this committee you had never been a member of the Communist Party?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. SCHIERER. Did you tell the truth on your two previous appearances?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. KEARNEY. Would you tell the committee if you had never been a member of the Communist Party?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. I lay before you now a document entitled United States Civil Service Commission Statement of Federal Service of a person by the name of Helen R. Hill, and ask you whether or not that document, if you will kindly examine it, is a true and correct representation of the employment which you have had in the Federal Government?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. You feel that if you told this committee the truth as to whether or not you can identify this document as containing the facts reciting the employment which you had in the Federal Government, you'd would be supplying information which could be used against you in a criminal proceeding?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question.

Mr. FRAZIER. You are ordered to answer the question.

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Do you know a person by the name of David Rein?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. I beg your pardon?

Mrs. HILL. I declined.

Mr. ARENS. Have you ever been removed from Federal service?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Now, ma'am, you were in the Federal employment until just a year or so ago, were you not, until April 27, 1954?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that you were in the employment of the United States Government in the National Labor Relations Board as Associate Chief of the Statistical Analysis Branch until April 27, 1954?

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. SCHERER. What does the record show as to the reason for her separation from Government service?

Mr. ARENS. The record shows that the employee was suspended from duty in the interest of national security.

Mr. SCHERER. Was that the result of the present security program, counsel?

Mr. ARENS. Yes, sir.

Mr. SCHERER. It is obvious that this program works.

Mr. ARENS. Kindly tell this committee now the organizations with which you are presently associated.

(Witness confers with counsel.)

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Are there any organizations with which you are presently identified concerning which you can tell this committee, without supplying information which could be used against you in a criminal proceeding?

Mrs. HILL. I decline to answer under the fifth amendment.

(Mr. Walter, presiding.)

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer that question.

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. KEARNEY. Are you now a member of the Communist Party?

(Witness confers with counsel.)

Mrs. HILL. I decline to answer under the fifth amendment.

Mr. ARENS. Mr. Chairman, in view of the course of this particular proceeding in which the witness has failed and refused to even tell the committee whether or not she was in appearance before this committee on a prior occasion, I respectfully suggest that the transcript of the proceedings of May 14, 1954 of the House Committee on Un-American Activities be incorporated in this record which is being made today.

The CHAIRMAN. By reference.

Mr. ARENS. By reference is what I meant.

The CHAIRMAN. Yes.

Mr. SCHERER. In view of the testimony, Mr. Chairman, I do not think that the committee has any other alternative except to refer the transcripts of the testimony of all three hearings in which this witness appeared before the committee to the Department of Justice to determine whether or not perjury has been committed.

The CHAIRMAN. We will determine that at the proper time.

Proceed.

Mr. ARENS. Mr. Chairman, we have covered every point with this witness on which there was a possibility of eliciting information.

I suggest it would be impossible to go any further because we get no information whatsoever.

The CHAIRMAN. Any questions?

Mr. FRAZIER. No questions.

The CHAIRMAN. The witness is excused.

The committee is adjourned, to meet tomorrow morning at ten o'clock.

(Whereupon, at 11 a. m., Tuesday, February 28, 1956, the subcommittee recessed, to reconvene at 10 a. m., Wednesday, February 29, 1956.)



INVESTIGATION OF COMMUNIST INFILTRATION OF GOVERNMENT—PART 5

WEDNESDAY, FEBRUARY 29, 1956

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 10:10 a. m., pursuant to recess, in the caucus room, Old House Office Building, Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Francis E. Walter, of Pennsylvania, Bernard W. Kearney, of New York, and Clyde Doyle, of California.

Staff members present: Richard Arens, acting counsel, and Courtney E. Owens, investigator.

The CHAIRMAN. The committee will come to order.

Mr. Arens, call your witness.

Mr. ARENS. If you please, sir, Mr. Lawrence Elkind, will you kindly come forward?

Please remain standing and raise your right hand to be sworn.

The CHAIRMAN. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ELKIND. I do.

TESTIMONY OF LAWRENCE ELKIND, ACCOMPANIED BY COUNSEL, IRA GOLLOBIN

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. ELKIND. The name is Lawrence Elkind. The residence is in New York, and the occupation is engineer.

Mr. ARENS. Mr. Elkind, are you appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. ELKIND. Yes.

Mr. ARENS. Are you represented by counsel?

Mr. ELKIND. I am.

Mr. ARENS. Will counsel kindly identify himself?

Mr. GOLLOBIN. Ira G-o-l-l-o-b-i-n, New York City, N. Y.

Mr. ARENS. Mr. Elkind, you have, in the course of the last few days, appeared in an executive session before the committee, have you not?

Mr. ELKIND. About 2 weeks ago.

Mr. ARENS. In view of the testimony which was taken then on a number of items, it will not be necessary for us to go into as much detail in this particular session as we would normally go into. Would you therefore give us as briefly as is practicable, a summary of your early life, education, background, and employment?

Mr. ELKIND. I was born in Paterson, N. J. I went to public schools and high school and to college, Rutgers University, for a short while, and had additional courses in the City College, Columbia, and International Correspondence courses. I started to work about 1924, or thereabouts, as far as I can recall, as a draftsman, estimator, in various iron-fabricating shops.

Mr. ARENS. When did you engage in this employment you are telling us about now? Date it, please.

Mr. ELKIND. I am talking about the period 1923-24 to about 1930-31, or thereabouts.

Mr. ARENS. In 1930 or 1931, did you become associated with the Federal Government in some capacity?

Mr. ELKIND. No.

Mr. ARENS. Move us up to that date, if you please, sir.

Mr. ELKIND. I was unemployed for a period of about a year, or a year and a half, or 2 years, there; and I became associated with the Federal Coordinator of Transportation in New York City.

Mr. ARENS. Was that employment the early part of 1934?

Mr. ELKIND. The early part of 1934. I remained, approximately, in New York for a period of about 8 to 9 months. The overall total employment was about, at most, a year, at which time I resigned. Then I went to work on a works project.

Mr. ARENS. In New York City?

Mr. ELKIND. In New York City.

Mr. ARENS. In 1935?

Mr. ELKIND. Yes, I believe it was 1935. That was for the department of water supply, gas and electricity.

Mr. ARENS. And you remained there until about 1937; is that correct?

Mr. ELKIND. That is correct.

Mr. ARENS. Then in 1937 you became a consulting engineer?

Mr. ELKIND. No. I didn't become a consulting engineer. I went to work as a draftsman for a private outfit.

Mr. ARENS. Was that a consulting engineering outfit?

Mr. ELKIND. I don't think they are consulting engineers.

Mr. ARENS. Let us proceed with your employment.

Mr. ELKIND. In the latter part of 1938, I went to work for the Public Works Administration, I believe, as assistant engineer—that was in New York, too—and I was there until about the latter part of 1939, when I went to work for the Navy Department, Brooklyn, N. Y., as a draftsman. And I was there until about the latter part of 1940, when I resigned. Since then I have been with private employers.

Mr. ARENS. Mr. Elkind, do you know or have you ever known a person by the name of James E. Gorham, G-o-r-h-a-m?

Mr. ELKIND. I claim the privilege of the fifth amendment.

Mr. ARENS. Why?

(The witness conferred with his counsel.)

Mr. ELKIND. I decline to disclose the reasons on which I claim it.

Mr. ARENS. Do you honestly apprehend that if you told this committee the truth, as to whether or not you have ever known James E. Gorham, you would be supplying information which could be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. ELKIND. I still decline on the basis of the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer the question, stating the basis for his refusal to answer the question.

The CHAIRMAN. You are directed to answer the question.

Mr. ELKIND. It is possible that it might.

Mr. ARENS. Mr. James Gorham testified under oath before the House Committee on Un-American Activities several days ago to the effect that while you were employed in the office of the Federal Coordinator of Transportation, a Government agency in New York City, you were, to his certain knowledge, a member of the Communist Party. Was Mr. Gorham lying or was Mr. Gorham telling the truth?

Mr. ELKIND. I decline on the basis of the fifth amendment.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. ELKIND. No.

Mr. ARENS. Were you a member of the Communist Party in 1947?

Mr. ELKIND. I would decline to answer that on the basis of the fifth amendment.

Mr. ARENS. Were you a member of the Communist Party a year ago?

Mr. ELKIND. I would decline to answer that on the basis of the fifth amendment.

(The witness conferred with his counsel.)

Mr. ARENS. Were you a member of the Communist Party 6 months ago?

Mr. ELKIND. The same reason.

Mr. ARENS. Were you a member of the Communist Party yesterday?

Mr. ELKIND. No.

Mr. ARENS. Were you a member of the Communist Party 1 month ago?

Mr. ELKIND. Same reason. I decline to answer that question.

Mr. ARENS. Were you a member of the Communist Party a week ago?

Mr. ELKIND. No.

Mr. ARENS. Were you a member of the Communist Party 2 weeks ago?

Mr. ELKIND. No.

Mr. ARENS. Were you a member of the Communist Party on February 15, 1956, when you appeared in executive session before this committee?

Mr. ELKIND. No.

Mr. ARENS. Were you a member of the Communist Party on February 1, 1956?

Mr. ELKIND. I decline to answer that question on the basis of the fifth amendment.

Mr. ARENS. Were you a member of the Communist Party on January 15, 1956?

(Mr. Edwin E. Willis entered the hearing room at this point.)

Mr. ELKIND. I decline to answer that question.

Mr. ARENS. Were you a member of the Communist Party on January 1, 1956?

Mr. ELKIND. I decline for the same reason.

Mr. ARENS. Are you at the present time under Communist discipline?

(The witness conferred with his counsel.)

Mr. ELKIND. No.

Mr. ARENS. Have you engaged in Communist activities during the course of the last month?

(The witness conferred with his counsel.)

Mr. ELKIND. No.

Mr. ARENS. Have you, to your knowledge, ever been the subject of a loyalty investigation?

Mr. ELKIND. Not to my knowledge.

Mr. ARENS. Have you ever taken a loyalty oath?

Mr. ELKIND. I don't believe so, but I don't recall.

Mr. ARENS. Did you, in the course of your service in the navy yard or in the Office of the Federal Coordinator or in any Federal employment belong to any Communist Party cell consisting of employees of the Federal Government?

Mr. ELKIND. I decline to answer that on the basis of the fifth amendment.

Mr. KEARNEY. Mr. Arens, I wonder if I could interrupt here for a minute?

Mr. ARENS. Yes, sir.

Mr. KEARNEY. You know, it is very amazing to me, Mr. Witness, tracing back these various questions as to when you were not a member of the Communist Party. For instance, "Were you a member of the Communist Party 2 weeks ago?" I was wondering whether you would tell the committee, without going back day by day or week by week, what the last date was that you were not a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. ELKIND. I respectfully submit that I have to stand on my previous answer to Mr. Arens.

Mr. KEARNEY. In other words, do you mean that you would rather have counsel go backward day by day in order to find out what the last date was?

(The witness conferred with his counsel.)

Mr. ELKIND. Mr. Arens has questioned me on this, and I believe that he has my answer. I would hold to that answer.

Mr. KEARNEY. I do not hear you.

Mr. ELKIND. I am sorry. I respectfully submit that I hold to my previous answer.

Mr. ARENS. Do you know a person or have you known a person by the name of Louis Lehrman, L-e-h-r-m-a-n-?

Mr. ELKIND. I respectfully decline on the basis of the fifth amendment.

Mr. ARENS. Have you always gone under the name of Lawrence Elkind, or have you at any time used another name?

Mr. ELKIND. I would decline to answer that on the same reasons as previously given.

Mr. ARENS. Do you tell this committee, then, that you honestly apprehend that if you would answer the question as to whether or not

you have gone under some other name, you would be supplying information which could be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. ELKIND. It is possible it might, but I respectfully decline.

Mr. ARENS. Do you know or have you known a person by the name of Albert Blumberg?

Mr. ELKIND. I respectfully decline to answer for the same reason.

(The witness conferred with his counsel.)

Mr. ARENS. Do you know a person or have you known a person by the name of Eleanor Nelson?

Mr. ELKIND. I respectfully decline to answer that on the basis of the fifth amendment.

Mr. ARENS. Do you know a person or have you known a person by the name of Henry Rhine, R-h-i-n-e?

Mr. ELKIND. I respectfully decline to answer that on the basis of the fifth amendment.

(The witness conferred with his counsel.)

Mr. ARENS. Mr. Chairman, this completes the staff inquiry of this particular witness.

The CHAIRMAN. Are there any questions?

Mr. DOYLE. May I ask one question, please?

You have stated that you are not now a member of the Communist Party. You have answered the question asked by counsel stating that you are not under Communist Party discipline. Is that correct?

Mr. ELKIND. That is correct.

Mr. DOYLE. Therefore, I assume that as an American citizen you at sometime came to the conclusion that there was nothing in the Communist Party that you could later hold to, although there is no inference that you ever were, by reason of your answer, I am granting that. This committee is interested in ascertaining ways and means by which legislation by Congress could be improved or changed, looking to the security of our own Nation against any form of subversive activity or totalitarian subversive propaganda which might be dangerous to our country. That is our duty under Public Law 601. Are you not in a position, therefore, to answer this question, in view of the fact that you are not under Communist discipline, and are not now a member of the Communist Party: What does a person do to get out of the Communist Party? What are the mechanics? Do they send a letter to the Communist Party? Do they send a notice that there will be no more dues paid? In asking you that question, sir, may I just state this: I am not asking it to try to trap you or to lead you into a long discourse. But will you help your Congress understand that one phase, that one problem? What does a Communist do to get out of the party, to terminate his affiliation with the Communist Party? Is a notice sent? Is any communication sent? How do you dissolve the relationship?

(The witness conferred with his counsel.)

Mr. ELKIND. Sir, I respectfully decline to answer that question on the basis of the fifth amendment.

Mr. DOYLE. That is all, Mr. Chairman.

The CHAIRMAN. The witness is excused.

Call your next witness.

Mr. ARENS. The next witness will be Mr. Sidney Katz, K-a-t-z.

The CHAIRMAN. Do you swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. KATZ. I do.

**TESTIMONY OF SIDNEY KATZ, ACCOMPANIED BY COUNSEL,
HARRY I. RAND**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. KATZ. My name is Sidney Katz. I reside in New York City. I am engaged in administrative and public relations work.

Mr. ARENS. For what firm?

Mr. KATZ. I work for a private organization—for a religious institution at this time.

Mr. ARENS. What is the name of the organization?

Mr. KATZ. The Park Avenue Synagogue.

Mr. ARENS. Are you appearing today, Mr. Katz, in response to a subpoena which was served upon you?

Mr. KATZ. That is correct, sir.

Mr. ARENS. Are you represented by counsel?

Mr. KATZ. I am, sir.

Mr. ARENS. Will counsel kindly identify himself?

Mr. RAND. Harry I. Rand, Wyatt Building, Washington, D. C.

Mr. ARENS. Will you kindly give us a thumbnail sketch of your background, where you were born, when, a word about your education, in chronological order?

Mr. KATZ. I was born on the upper East Side of New York City, 1908. I was educated in the public schools of New York City, elementary and high schools, and attended New York University and received a college degree from NYU.

Mr. ARENS. What year was that?

Mr. KATZ. 1931. I also attended Hebrew Union College School for teachers at Temple Emanuel for about 2 years, somewhere in that period, 1929-31.

Is that what you want to know?

Mr. ARENS. Does that complete your formal education?

Mr. KATZ. Yes, sir.

Mr. ARENS. If you will, kindly give us in like manner a brief chronological sketch of the employment you have engaged in since completing your formal education and became self-sufficient.

Mr. KATZ. Until I worked for the Government, after I got out of college, most of my employment consisted of working for my father's business. He had a manufacturing business of ladies underwear.

Mr. ARENS. In what capacity did you work there?

Mr. KATZ. Everything from sweeping the floors to salesman.

Mr. ARENS. What date did you first commence your employment with the Government, in what agency and in what capacity?

Mr. KATZ. In the summer of 1935, to the best of my recollection, for a two-year period with the Works Progress Administration in Washington, D. C.

Mr. ARENS. And in what capacity did you serve?

Mr. KATZ. I don't recall the precise title, but I believe it was something like statistician.

Mr. ARENS. Let us proceed from there.

Mr. RAND. May I interject, Mr. Arens?

I think there was some prior employment with the Works Project employment.

Mr. KATZ. No, that wasn't WPA. It was a quasi relief project somewhere a year or two before Federal employment in Washington in New York City. It was called CW or something like that. I am not very sure on that.

Mr. ARENS. Let us proceed, then, to 1937.

Mr. KATZ. I worked for the CIO from 1937 to 1945.

Mr. ARENS. In what capacity?

Mr. KATZ. I was the executive secretary-treasurer for the Maryland and District of Columbia Industrial Union Council.

Mr. ARENS. Were you headquartered in Washington?

Mr. KATZ. The better part of that time I was, sir. The last couple of years we had headquarters in both Washington and Baltimore City, and I think toward the end of my employment there, the last year or so, I was exclusively in Baltimore City, as I recall.

Mr. ARENS. Who was your immediate superior?

Mr. KATZ. There were four immediate superiors. That is, at four different periods, not at the same time.

Mr. ARENS. Between 1937 and 1945. I understand.

Mr. KATZ. Do you want me to name those for you?

Mr. ARENS. Yes.

Mr. KATZ. John T. Jones was the first. The second was either Boyd Peyton or George Meyers. I don't remember at this point which came first. But it was both Boyd Peyton and George Meyers, and the final one was Ulysses Dedominicis, D-e-d-o-m-i-n-i-c-i-s, I think.

Mr. ARENS. We will come back to a discussion of this occupation later on. We are trying to get the skeleton outline now. Pick it up in 1945, if you please.

Mr. KATZ. Subsequent to employment with the CIO, I worked for the American Jewish Congress.

Mr. ARENS. Did that employment begin in 1945 or 1946?

Mr. KATZ. 1945.

Mr. ARENS. Did that immediately succeed your employment with the CIO?

Mr. KATZ. That was my next immediate job. There may have been a hiatus of a month or two, but I don't know. It was my next employment.

Mr. ARENS. Where were you engaged with the American Jewish Congress?

Mr. KATZ. Where? In what location?

Mr. ARENS. Yes.

Mr. KATZ. New York City.

Mr. ARENS. And in what capacity?

Mr. KATZ. I had two capacities at that time.

One was with the commission on law and social action, in which I had the social action, not the law, part of it. Then I was also the executive secretary, or maybe it was called executive director, I don't recall, for the Brooklyn division, in the last year or so of my employment with the American Jewish Congress.

Mr. ARENS. How long did that employment last?

Mr. KATZ. Three years.

Mr. ARENS. That takes you up to 1948, is that correct?

Mr. KATZ. That is correct.

Mr. ARENS. Who was your immediate superior or superiors at the American Jewish Congress?

(Mr. Kearney left the hearing room at this point.)

Mr. KATZ. Well, there were two staff superiors. One was Will Maslow, who was and is now, I believe, the director of that. M-a-s-l-o-w.

Mr. ARENS. Did he employ you?

Mr. KATZ. Do you mean did he make the decision to employ me?

Mr. ARENS. Yes.

Mr. KATZ. I don't know. I believe he was in on the decision to employ me. I think there were probably 2 or 3 others at the time involved. Another was Rabbi Shepherd Baum.

Mr. ARENS. Would you kindly proceed with your next employment?

Mr. KATZ. I did not want to interrupt you. Rabbi Shepherd Baum, was the next person who was my superior.

Mr. ARENS. If you will proceed with your next employment, we may come back and have some questions with reference to this employment later on.

Mr. KATZ. I worked for a 2 or 3 month period for the Wallace campaign in one of their congressional districts in Brooklyn.

Mr. ARENS. And that was in 1948?

Mr. KATZ. Yes, in the 1948 Presidential election.

Mr. ARENS. In what capacity did you serve?

Mr. KATZ. Something like a campaign manager. I don't know whether it was precisely that or not.

Mr. ARENS. Was that for the Progressive Party or was it for Wallace or some committee for Wallace?

Mr. KATZ. If you press me on that, I wouldn't know how to answer it precisely, whether it was part and parcel of the Wallace campaign. Whether it was a committee for Wallace or a committee of Brooklyn for Wallace, I don't know.

Mr. ARENS. You were just a promoter of Wallace's candidacy, is that correct?

Mr. KATZ. Not merely Wallace, but Wallace and Taylor and the whole ticket in that area that I was involved in.

Mr. ARENS. Was the American Labor Party involved in that?

Mr. KATZ. They were.

Mr. ARENS. Was your employment under the American Labor Party, or was it under the Wallace campaign?

Mr. KATZ. It was not under the American Labor Party. That much I am sure of.

Mr. ARENS. What supervision of your activities, if any, was by the American Labor Party in Brooklyn?

Mr. KATZ. Well, I have a hunch there was hardly any supervision of any kind by anybody.

Mr. ARENS. May I refer back to the American Jewish Congress for a moment? Did you know a person by the name of Joseph Robison?

Mr. KATZ. I did, sir.

Mr. ARENS. Was he employed at the American Jewish Congress concurrently with your employment?

(The witness conferred with his counsel.)

Mr. KATZ. He was that, sir. At least, I am reasonably sure that he was part of the time that I was there.

Mr. ARENS. And did he likewise work substantially in the same capacity that you worked in, promoting law and social action or whatever the title was?

Mr. KATZ. I think that in one respect the answer to that would be "Yes," and in another it would be "No." I don't recall working with him on any specific project. I don't believe I ever worked with him on any particular project.

Mr. ARENS. We have completed this period in your life in which you were active in the Wallace campaign in Brooklyn. That was in 1948.

Mr. KATZ. Yes, sir.

Mr. ARENS. Now kindly proceed from there.

Mr. KATZ. Well, my next was a misadventure in the woodworking business. That was almost 2 years.

Mr. ARENS. Just a word about that, please.

Mr. KATZ. I just tried the business of being an entrepreneur, and it didn't work out at all.

Mr. ARENS. You had your own business running a woodworking place?

Mr. KATZ. That is correct.

Mr. ARENS. And that lasted for 2 years?

Mr. KATZ. Not quite, but close on to it.

Mr. ARENS. That brings us up to late 1949, is that correct?

Mr. KATZ. No, sir, late 1950.

Mr. ARENS. Proceed please.

Mr. KATZ. I then secured employment at the American Financial & Development Corp. for Isreal, the organization that sells or sold the State of Israel bonds.

Mr. ARENS. Did you know a person there by the name of Martin Kurasch?

Mr. KATZ. I had some contact with him, sir; I did.

Mr. ARENS. Do you know him now?

Mr. KATZ. If I saw him?

Mr. ARENS. Yes.

Mr. KATZ. I sure would.

Mr. ARENS. Let us have the name of that organization again, very clearly, if you please.

Mr. KATZ. Well, I may be wrong on that. It was called, I think, the American Financial & Development Corp. for Israel. In effect, it was the corporation headed by Mr. Morgenthau. I think, at that time, promoting the sale of State of Israel bonds in the United States of America.

Mr. ARENS. How long did you engage in that employment?

Mr. KATZ. About a year and a half.

Mr. ARENS. Would that take us from 1950 to about 1952?

Mr. KATZ. Do you mind if I pause a moment? I wrote something out on that to straighten myself out. Do you mind?

Mr. ARENS. Go right ahead.

Mr. KATZ. I figure it took me to the late spring or early summer of 1952. Is that what you have?

Mr. ARENS. Yes. What was your particular job with the American Financial & Development Corp. for Israel?

Mr. KATZ. I helped promote the sale of bonds by encouraging community responsiveness, particularly in synagogues, to the purchase of the State of Israel bonds.

Mr. ARENS. Was Mr. Kurasch employed there at the same time you were? Were you and he fellow employees at any time?

Mr. KATZ. Yes; that is how I know him.

Mr. ARENS. Did he precede you from the standpoint of service in the employment there?

Mr. KATZ. That I do not know sir.

Mr. ARENS. Was he there when you got your job?

Mr. KATZ. I don't know. I truthfully don't know. You can check my record. I know I got there shortly after the Jewish high holidays, in 1950. I don't know when he got there.

Mr. ARENS. Who was your immediate superior at that Corporation?

Mr. KATZ. Leo R-u-t-s-t-e-i-n.

Mr. ARENS. Is he still there?

Mr. KATZ. No, sir; I know that he is not there.

Mr. ARENS. Did Kurasch have anything to do with procuring your job at this corporation?

Mr. KATZ. No, sir.

Mr. ARENS. Now, let us proceed to your next employment, Mr. Katz.

Mr. KATZ. I then worked for the American Association for Jewish Education.

That began in December of 1952, and it ran through the late winter or early spring of 1953.

Mr. ARENS. What was your job there?

Mr. KATZ. Well, that was primarily, I would say, fund-raising and public relations. It was mainly centered around organizing a dinner to sponsor and encourage Jewish religious education in the United States.

Mr. ARENS. What did you do?

Mr. KATZ. I helped raise the funds in connection with the annual dinner that they had that particular year.

Mr. ARENS. How did you raise the funds? Did you make speeches or did you write periodicals? What was your actual function?

Mr. KATZ. Well, you know, a fund-raiser doesn't raise funds. He organizes others to do it. In other words, I don't go out and say to you, "I think you ought to contribute," but I ask you, "Maybe you can help this committee raise its funds from among your contacts." What you do is, you meet with people who are already interested in the cause of Jewish religious education and you request them to invite their friends who are similarly interested.

Mr. ARENS. Did you travel over the country in the pursuit of this?

Mr. KATZ. No, sir; I never traveled past Coney Island.

Mr. ARENS. Then all of your activities in raising money centered in Brooklyn or Manhattan, is that correct?

Mr. KATZ. Yes; it was for a national purpose, but it was done in the city of New York.

Mr. ARENS. Now will you kindly take us on to the next assignment.

Mr. KATZ. That was with the East Flatbush Jewish Community Center in Brooklyn, N. Y. That was in the early spring of 1953 through the fall of 1954.

Mr. ARENS. What was your job there?

Mr. KATZ. I was executive director of the synagogue.

Mr. ARENS. Could you tell us, without too much detail just what you did as executive director of the synagogue?

Mr. KATZ. One of the main things I did was to help build up the attendance at the religious school. That was an important problem there. I helped promote the sale or, rather, the membership in the synagogue, and the financing of it through encouraging attendance at high holiday services.

Mr. ARENS. Was your assignment of a religious nature or an administrative nature? I have difficulty comprehending what you did.

Mr. KATZ. It is a matter of construction of what I did rather than what I did, how you construe what I did. In other words, it was administrative, directed towards encouraging either religion or religious education, depending on the type of activity I may have been engaged in.

Mr. ARENS. You were not a man who would be, as we say, of the cloth, is that correct?

Mr. KATZ. No, sir; definitely not. In the Jewish religion, there is no distinction of that kind. We do have rabbis, of course, but we are all equal before God, and we all have that same spiritual responsibility.

Mr. ARENS. What was your next assignment?

Mr. KATZ. It was with my current employers, the Park Avenue Synagogue.

Mr. ARENS. When did that employment begin?

Mr. KATZ. In the fall, shortly after the high holidays of 1954, through and including the present moment.

Mr. ARENS. Give us substantially the same pattern or description of the work that you engage in now.

Mr. KATZ. It is a problem of administering a very large synagogue, being concerned with all its financial and administrative problems, assisting its programing of its activities of the affiliated organizations, and concerned with various aspects of its business management. And, in general, conducting planning and coordination of the work of the synagogue.

Mr. ARENS. During the course of your employment in the Federal Government, did you make the acquaintanceship of a person by the name of James E. Gorham, G-o-r-h-a-m?

Mr. KATZ. I decline to answer that question, sir.

Mr. ARENS. Why?

Mr. KATZ. I avail myself of the privilege afforded me by the Fifth Amendment of the Constitution.

Mr. ARENS. Do you feel that if you told this committee the truth as to whether or not you knew James E. Gorham during the course of your employment in the Federal Government you would be supplying information which could be used against you in a criminal proceeding?

(At this point, Mr. Kearney entered the hearing room.)

(The witness conferred with his counsel.)

Mr. KATZ. Will you pardon me a moment?

Mr. ARENS. Surely.

(The witness conferred with his counsel.)

Mr. KATZ. I am aware that there has been testimony in regard to me before this committee, and because of that, I must avail myself of the protection accorded to me by the Constitution of the United States.

Mr. ARENS. Mr. Gorham testified before this committee under oath, that, to his certain knowledge, you were a member of the Communist Party while employed by the Government, and that you were assigned to a Communist cell comprised of employees of the WPA. Was Mr. Gorham lying or was he telling the truth?

Mr. KATZ. I respectfully submit I must decline to answer that for the aforementioned reason, sir.

Mr. ARENS. Do you know or have you known a person by the name of Edna Richter, R-i-c-h-t-e-r?

Mr. KATZ. Miss Richter worked for the Works Progress Administration while I was there.

Mr. ARENS. Did you know her in any other capacity?

Mr. KATZ. I knew her as a member of the union, I guess.

Mr. ARENS. Did you know her in any other capacity?

(The witness conferred with his counsel.)

Mr. KATZ. I decline to answer that for the reasons stated.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact that you were an acquaintance of Edna Richter who was chairman or leader of a Communist Party cell in the Government and of which you were a member.

Mr. KATZ. I respectfully submit that I am impelled to decline to answer that for the reasons I have already indicated.

Mr. ARENS. Do you honestly apprehend that if you answered that question truthfully you would be supplying information which could be used against you in a criminal proceeding?

Mr. KATZ. It might, sir.

Mr. ARENS. Do you know a person or have you known a person by the name of Bernard Greenberg?

Mr. KATZ. He, too, was employed in the WPA, I believe, at the time I was there.

Mr. ARENS. In what capacity was he employed?

Mr. KATZ. Gentlemen, I really don't know. I don't remember.

Mr. ARENS. In what capacity did you know him?

Mr. KATZ. That was 19 years ago.

Mr. ARENS. In what capacity did you know him?

Mr. KATZ. Pretty much the same as I did Edna Richter.

Mr. ARENS. What do you mean by that?

Mr. KATZ. He was a member of the union and so was she, as I recall.

Mr. ARENS. Is that the only way you knew him?

Mr. KATZ. I decline to answer further in regard to that.

Mr. ARENS. In other words, if you told this committee the truth as to whether or not you knew Bernard Greenberg in any capacity, other than the capacity which you have described, you would be supplying information which could be used against you in a criminal proceeding, is that correct?

Mr. KATZ. Well, it might tend to.

Mr. ARENS. Do you know a person or have you known a person by the name of Marcel Kistin, K-i-s-t-i-n?

Mr. KATZ. Mr. Kistin was also employed by the WPA at the time I was there.

Mr. ARENS. Is that the only capacity in which you have known him?

Mr. KATZ. I recall that he was active in the union.

Mr. ARENS. You know you are under oath here to tell the whole truth. Tell us the whole truth as to the nature of your acquaintanceship with Marcel Kristin.

(The witness conferred with his counsel.)

Mr. KATZ. I decline again, sir, for the reasons stated.

Mr. ARENS. Do you know a person or have you known a person by the name of Irving Richter, R-i-c-h-t-e-r?

Mr. KATZ. Did I know or do I know?

Mr. ARENS. Yes.

Mr. KATZ. Yes; I did know an Irving Richter.

Mr. ARENS. Since you are under oath to tell us the whole truth, tell us the whole truth as to the nature of your acquaintanceship with Irving Richter.

(The witness conferred with his counsel.)

Mr. KATZ. Well, Mr. Counsel, I don't recall knowing Mr. Richter at the time I worked for the WPA. I will answer your question—I do recall knowing him at the time that he was doing legislative work for one of the unions in the city.

Mr. ARENS. Is that the only capacity in which you have known Irving Richter?

Mr. KATZ. I decline to answer that question.

Mr. ARENS. Mr. Katz, you are employed by a great religious organization, a faith that first perceived the existence of God as a heavenly Father, and first developed the concept of the spiritual nature of man. Have you ever belonged to an organization which denies the existence of God, denies the existence of the spiritual nature of man, and is dedicated to a materialistic philosophy of life?

(The witness conferred with his counsel.)

Mr. KATZ. That is a very interesting question. Do you mind reading that back to me?

Mr. ARENS. Read it back, Mr. Reporter.

(The reporter read from his notes as requested.)

Mr. KATZ. I am quite sure I did not, sir.

Mr. ARENS. Have you ever belonged to the Communist Party?

Mr. KATZ. I must decline to answer that question.

Mr. ARENS. What distinction do you make between the basic philosophy of the Communist Party and the philosophy which I described in the principal question a moment ago?

Mr. KATZ. Will you excuse me a moment, sir?

(The witness conferred with his counsel.)

Mr. KATZ. I will have to really decline to answer that question, Mr. Counsel.

Mr. ARENS. The truth is that the Communist Party, of which you were a member, is dedicated to the destruction of our concepts of God and our concepts of the spiritual nature of man, and is dedicated to a materialistic ruthless philosophy, is that not true?

Mr. KATZ. I decline to answer that.

Mr. ARENS. Have you ever known a person by the name of Herbert Fuchs, F-u-c-h-s?

Mr. KATZ. I decline to answer that question.

Mr. ARENS. Why?

Mr. KATZ. I avail myself of the protection accorded to me by the Fifth Amendment of the Constitution.

Mr. ARENS. Do you feel if you told this committee whether or not you knew Herbert Fuchs you would be supplying information which could be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. KATZ. In the light of what is said here, yes, sir.

The CHAIRMAN. I should think in view of the contribution that Herbert Fuchs made toward the preservation of this Republic, you would be proud to admit that you knew him.

Mr. KATZ. I would be proud to what, sir?

The CHAIRMAN. Admit that you knew him.

Mr. RAND. Is there a question pending, sir?

The CHAIRMAN. No, I was just making an observation.

Mr. ARENS. Mr. Fuchs took an oath before God to tell the truth before this committee, to tell the whole truth, and in the course of that testimony before this committee of the Congress, said that a part of his job as a member of the Communist Party was to attend section meetings of the Communist Party here in Washington; that these section meetings were attended by individuals who were representatives of other Communist groups from various Government agencies in Washington. He testified that he attended these section meetings in 1936 and 1937. He further stated, under oath, before God, that at these section meetings he met with you and knew you as a member of the Communist conspiracy.

Was Mr. Fuchs lying or was he telling the truth?

Mr. KATZ. I decline to answer that question.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact that in 1936 and 1937 you were a leader of one of these section groups of the Communist conspiracy in the Government of the United States.

Mr. KATZ. I decline to answer that.

Mr. ARENS. We believe that you, as of this instant, possess information which would be of great value to your Government with reference to the existence of certain Communist Party cells in the Government of the United States. I now ask you if you have information respecting the existence of Communist Party cells in the Government of the United States.

Mr. KATZ. I must decline to answer that, sir.

Mr. ARENS. In other words, if you told this committee the truth under oath as to whether or not you have information respecting the existence of Communist Party cells in the Government of the United States, you would be supplying information which could be used against you in a criminal proceeding; is that correct?

Mr. RAND. May I consult with my client a moment?

The CHAIRMAN. Surely.

(The witness conferred with his counsel.)

Mr. RAND. Mr. Arens, may I inquire, are you speaking about the present in the existence in Government?

Mr. ARENS. Any time.

Mr. RAND. Any time, past and present?

(The witness conferred with his counsel.)

Mr. KATZ. I decline, Mr. Counsel.

Mr. ARENS. It has been suggested to me by one of the distinguished members of this committee, that you be asked whether or not you would supply this committee with information, in your possession, respecting the Communist conspiracy, if this committee should cause proceedings to be instituted to grant you immunity from prosecution.

Mr. RAND. May I consult with my client on this matter?

Mr. ARENS. Surely.

(The witness conferred with his counsel.)

Mr. KATZ. May I state this in reply to your question: I do not recall that I have either affirmed or denied that I am aware of what you have described in your question, and my recollection is that I declined to answer that question. As to your offer, counsel advises me that he has doubts as to the practicality or the legality of such an offer. On advice of counsel, I must at this time decline such an offer.

Mr. ARENS. Do you know a person or have you known a person by the name of Eleanor Nelson?

Mr. KATZ. Eleanor Nelson was an official of one of the unions with which I worked. I certainly knew her.

Mr. ARENS. You are under oath to tell this committee the whole truth. Tell us every association which you have had with Eleanor Nelson.

(The witness conferred with his counsel.)

Mr. KATZ. I decline to answer that question.

Mr. ARENS. How about Arthur Stein, S-t-e-i-n? Do you know him?

Mr. KATZ. He was similarly an officer of the unions with which I worked. Of course I knew him.

Mr. ARENS. And, of course, that is the only way you knew him, is that correct?

Mr. KATZ. I decline to answer.

Mr. ARENS. The truth is you knew Arthur Stein, as you did Eleanor Nelson, as leaders of Communist cells in the Federal Government, is that correct?

Mr. KATZ. I have already declined to answer that.

Mr. ARENS. Did you know Henry Rhine, R-h-i-n-e?

Mr. KATZ. Yes, I knew Henry Rhine. He was also an official of one of the unions.

Mr. ARENS. And his wife, Jessica Rhine?

Mr. KATZ. Yes, I knew her.

Mr. ARENS. Is that the only basis upon which you knew them?

(The witness conferred with his counsel.)

Mr. KATZ. I respectfully decline.

Mr. ARENS. Did you know Philip Reno?

Mr. KATZ. Mr. Reno was also active in the unions.

Mr. ARENS. Is that the only way you knew Philip Reno, Jessica Rhine, and Henry Rhine?

Mr. KATZ. I respectfully decline.

Mr. ARENS. The truth is, is it not, that you knew Philip Reno, Jessica Rhine and Henry Rhine as leaders of the Communist Party cell or section, of which you were a member? May we have your answer for the record?

Mr. KATZ. Well, if that is a question, the answer is I respectfully decline to answer it.

Mr. ARENS. Do you know a person or have you known a person by the name of Bernard Stern, S-t-e-r-n, and his wife, Janet Stern?

Mr. KATZ. Yes, sir, I knew them both.

Mr. ARENS. Tell us the nature of your acquaintanceship with them. (The witness conferred with his counsel.)

Mr. KATZ. I decline to answer, sir.

Mr. ARENS. The truth is that they, likewise, were members of this Communist cell or section of which you were a member, is that not true?

Mr. KATZ. I decline to answer, sir.

Mr. ARENS. Did you know a Joseph Robison in any capacity other than that of a fellow employee while you were working with him under Mr. Maslow at the American Jewish Congress?

(The witness conferred with his counsel.)

Mr. KATZ. I regret that I must decline.

Mr. ARENS. The truth is that you and Joseph Robison were both Communists while you were employed by the American Jewish Congress, is that not so?

Mr. KATZ. I regret that I must decline.

Mr. ARENS. Do you honestly apprehend that if you told this committee whether or not you and Joseph Robison were members of the Communist Party while you were employed from 1945 to 1948 by the American Jewish Congress, that you would be supplying facts which could be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. KATZ. I am aware, sir, that there has been testimony in regard to me before this committee, and the answer I give might tend to be used against me. I respectfully decline.

Mr. ARENS. In what kind of proceeding do you honestly apprehend your answer might be used against you?

(The witness conferred with his counsel.)

Mr. KATZ. I think a criminal proceeding.

Mr. ARENS. Were you a member of the Communist Party while you were executive secretary of the Maryland and District Trade Union Council from 1937 to 1945?

Mr. KATZ. The name is Maryland and District of Columbia Industrial Union Council.

Mr. ARENS. I appreciate your correcting that. Maryland and District of Columbia Industrial Union Council. You were the executive secretary from 1937 to 1945. During that period of time, were you a member of the Communist Party?

Mr. KATZ. I must again decline to answer.

Mr. ARENS. Were you a member of the Communist Party while you were working in the Wallace campaign in 1948?

(The witness conferred with his counsel.)

Mr. KATZ. I decline to answer that in regard to this entire question covered here.

Mr. ARENS. Did you, when you accepted your employment or procured employment with the American Jewish Congress in New York City, reveal to the persons responsible for your employment whether or not you had ever been a member of the Communist Party?

Mr. KATZ. I don't understand you.

Mr. ARENS. When you got your job with the American Jewish Congress in 1945 did you have a discussion and reveal to the person re-

sponsible for your employment the fact respecting whether or not you had been a member of the Communist Party?

Mr. KATZ. Excuse me, sir.

(The witness conferred with his counsel.)

Mr. KATZ. What stumped me is this business of reveal. I didn't follow your thinking there.

Mr. ARENS. Let us get back to it again. I fear my question is a little unclear and perhaps unfair. I did not mean it to be so.

Mr. KATZ. I didn't want to say that.

Mr. ARENS. I readily assert that myself. I think it was not quite clear. It was not intentionally so.

When you accepted your employment at the American Jewish Congress, tell us, just in your own words, what, if anything, transpired respecting your past activities, affiliations, or associations.

Mr. WILLIS. I think you mean whether there were any discussions respecting Communist Party affiliations.

Mr. ARENS. Yes, sir.

Mr. KATZ. Well, I will tell you, it was a rather strange kind of conference. To the best of my recollection, I went up there cold and didn't know a soul. I just threw out a bunch of newspaper clippings about my activities, or some of them, that I was engaged in that were with regard to the CIO, particularly in public relations, legislative work, social action.

Mr. ARENS. Do you know Joseph Robinson before you went with the American Jewish Congress?

(The witness conferred with his counsel.)

Mr. KATZ. Let me have that question again.

Mr. ARENS. Mr. Reporter, read it back to him.

(The reporter read from his notes as requested.)

Mr. KATZ. Well, you know, I don't remember. I really don't.

Mr. ARENS. Did you know him at the time you went with the American Jewish Congress? Did you know he was employed there?

Mr. KATZ. At the time I went up there?

Mr. ARENS. Yes.

Mr. KATZ. My recollection is, and I may be wrong, but I think I am right, that I was there ahead of him.

Mr. ARENS. Then he did not, apparently, have anything to do with your procuring employment at the American Jewish Congress?

Mr. KATZ. Unless it was through some mystical way. I don't know.

Mr. ARENS. Did you have anything to do with procuring his employment at the American Jewish Congress? By "his", I mean Joseph Robison.

Mr. KATZ. I know who you mean. I tell you, I don't recall ever having met him in this. So when he came there, as far as I was concerned, to me it seemed like a guy I had never seen before. I knew an awful lot of people in this town, sir, and I can't remember.

Mr. ARENS. Were you interrogated by your superiors in the process of procuring your employment, respecting any past affiliations other than the affiliation you had with CIO?

Mr. KATZ. I don't recall that I was, sir.

Mr. ARENS. Did you make a complete and full revelation to your prospective employers at the American Jewish Congress respecting your affiliations, memberships, and associations?

Mr. KATZ. It is hard for me to recall the conference, or just how it went, but I am sure that I was fully communicative as to whatever they asked me, sir.

Mr. ARENS. Did you volunteer any statements respecting your past affiliations, associations, or memberships?

Mr. KATZ. Well, I don't know what you mean, sir.

Mr. ARENS. To come right to the point, did you let them know that you had been a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. KATZ. There is an assumption in that question, sir, and I am not going to deal with the assumption. I am just going to decline to answer.

Mr. ARENS. You recognize, of course, you are leveling a rather serious indictment at certain people, if you did accept employment there and were a Communist and revealed that fact to your employers?

Mr. KATZ. I am not sure.

Mr. ARENS. I am just trying to be fair to your employers.

(The witness conferred with his counsel.)

Mr. KATZ. I appreciate your desire to be fair with my employers, both past and present. I don't feel that I am leveling any indictment at them, sir, by declining to answer any of these questions that you have asked me, on the subjects where I felt the necessity of relying on the privilege.

Mr. ARENS. Do your present employers know all essential elements of your past memberships, affiliations and associations?

Mr. KATZ. I have told the truth to all the people to whom I ever applied for any job, at any time, anywhere, including my current.

Mr. ARENS. Have you told them the whole truth?

Mr. KATZ. The whole truth. Always. Every single employer.

Mr. ARENS. Tell this committee the whole truth. Are you now a member of the Communist Party?

Mr. KATZ. I must again decline to answer that question, sir.

Mr. ARENS. Are you under Communist discipline at the present time?

Mr. KATZ. I must decline to answer that question.

Mr. ARENS. When you were with the CIO as executive secretary of the Maryland and District of Columbia Industrial Union Council, did you have access to congressional committees to promote the interest of the CIO? What I am trying to learn was that part of your work? Were you a lobbyist?

Mr. KATZ. Yes, we had as much access as Congressmen were available.

Mr. ARENS. In other words you were a lobbyist?

Mr. KATZ. I don't know that that is precisely the term. I made an effort to help Congressmen understand the point of view of organized labor.

Mr. ARENS. Was it only organized labor you were interested in?

Mr. KATZ. Well, that was the organization I was working for, sir.

Mr. ARENS. Let us get the whole truth on this. Were you working for organized labor or were you also under discipline of another entity?

Mr. RAND. Is this in connection with these legislative efforts?

Mr. ARENS. Yes, sir.

(The witness conferred with his counsel.)

Mr. KATZ. Well, I don't know what kind of a question that is, sir.

Mr. ARENS. I think you do know what kind of a question it is, and I think the committee is entitled to an answer.

The CHAIRMAN. Rephrase it.

Mr. ARENS. While you were the legislative representative or executive secretary of this CIO group, were you likewise under discipline, receiving instructions and orders, from some other group?

Mr. KATZ. Mr. Chairman, and members of the committee, I always at all times in any representation I made before this body, and I don't mean this committee, but any committee of Congress, or any committee in the State Legislature of Maryland, always represented only the viewpoint of the organization that I was working for, namely the CIO in this area. Never at any time was I representing any other. At least, I attempted to represent them. I made mistakes, too.

The CHAIRMAN. You say you attempted to, and is that because you fear that perhaps subconsciously you were expressing the views and attitudes and positions of another organization of which you were a member? Is that correct?

Mr. KATZ. I qualified myself by attempting to deal with the thing known as human frailty, that sometimes you try to represent a point of view and you do it as well as you can. That is all I am saying.

The CHAIRMAN. It is unfortunate that many labor unions were represented by people who had other interests, and these other people tried and succeeded—they were quite adroit—in creating the impression that unionism and communism were synonymous. Of course, to the credit of the vast majority of the American workers, they are not getting away with that any longer. What Mr. Arens and what we are interested in is, when the union viewpoint was expressed, was that viewpoint influenced in any way by the Communist Party.

(The witness conferred with his counsel.)

Mr. KATZ. Sir, I really tried to answer fully and frankly a few moments ago. I am trying to say that I tried fully and conscientiously and to the best of my ability to represent exclusively, exclusively, the viewpoint of organized labor as we understood it at that time in the CIO.

Mr. ARENS. While you were executive secretary of the CIO Council, from 1937 to 1945, were you also a member of some other organization?

Mr. KATZ. Of some other organization?

Mr. ARENS. Yes, sir.

Mr. KATZ. Well, I would be surprised if I was not, sir.

Mr. ARENS. Enumerate some of the organizations of which you were a member.

Mr. KATZ. I don't know. I was probably a member of the District of Columbia Suffrage Association. I would be surprised if I wasn't sir. I was a member of the Democratic Central Committee of the District of Columbia for about 4 years.

The CHAIRMAN. Were you a member of the Communist Party at that time?

Mr. KATZ. I must decline to answer that question, sir.

The CHAIRMAN. You are not under any compulsion at all. You say, "I must decline."

Mr. KATZ. I didn't mean it in that sense. I decline to answer.

The CHAIRMAN. You did not hesitate to mention the other organizations to which you belonged.

Mr. ARENS. Mr. Katz, while you were with the CIO Council from 1937 to 1945, and engaged in so-called lobbying activities, presenting your viewpoint or someone's viewpoint on labor and other matters, did you know of any person employed by the Congress, in a Congressman's office, or a congressional committee, who to your certain knowledge, was a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. KATZ. I decline to answer that question.

Mr. ARENS. Did you know whether or not the council, of which you were executive secretary, was controlled by the Communist Party?

Mr. KATZ. Well, let me put it to you this way, sir: The council consisted of an annual convention and an executive board consisting of the heads of major union groups in this area and outlying District of Columbia. Their policy was by and large, and almost entirely, as I understood it, controlled and influenced by the national CIO policy.

Mr. ARENS. Was the council to your knowledge directed or influenced in any way by persons known by you to be members of the Communist Party?

Mr. KATZ. Known by me?

Mr. ARENS. Yes, sir.

(The witness conferred with his counsel.)

Mr. KATZ. I decline to answer that question.

Mr. ARENS. Mr. Chairman, I respectfully suggest this concludes the the interrogation of this witness by the staff.

The CHAIRMAN. Did he decline to answer?

Mr. ARENS. Yes.

Mr. DOYLE. I have one question.

During the time that you were the CIO representative in this area, and dealing with congressional legislation, were you meeting in Communist Party cells, whether in or out of labor circles? What is the truth?

Mr. KATZ. I decline to answer that question, Mr. Congressman.

Mr. DOYLE. The reason I ask that question is because we have ample sworn testimony that almost without exception, where a known Communist is in the employ of organized labor, the known Communists put the policy of the Communist Party ahead of the policy of organized labor. And yet you claim your privilege when I ask you frankly whether or not you were meeting in Communist cells during the time you were at a top level in the CIO.

Mr. RAND. Mr. Congressman, the witness has testified that he merely carried out CIO policy.

Mr. DOYLE. Yes.

You cannot tell me that during those years CIO policy was controlled by the Communist Party, can you? Is that what you are telling me? You answered that you were carrying out CIO policy. Do you mean to tell me that you were carrying out Communist Party policy in the name of the CIO?

Mr. KATZ. I don't remember saying anything like that. I don't understand you.

Mr. DOYLE. Let me ask you again. During the years 1937 to 1945, or any portion of those years, when you were drawing your salary from the CIO did you attend Communist Party cell meetings.

Mr. KATZ. On that question I decline to answer, sir.

Mr. DOYLE. During the time you were in the employ of the United States Government, did you attend Communist cell meetings in Government buildings? I am limiting my question to whether or not the Communist cells which you attended, if you did, met in Government buildings during the time you were drawing Federal pay. What is the fact?

Mr. KATZ. I decline to answer.

Mr. DOYLE. I have one more question. Have you attended Communist Party cell meetings, or any fraction of a Communist Party cell, under the roof of the American-Jewish Congress, or in any synagogue, since you have been in the employ of Jewish organizations? Have you or have you not?

In 1 or 2 places in the country, I have heard, but which were not known to the Rabbi.

Mr. KATZ. In synagogues?

Mr. DOYLE. In connection with them.

Mr. KATZ. I don't know what you mean by that.

Mr. DOYLE. I am asking you whether or not you as a Communist have met with other Communists, for Communist Party purposes, in or about Jewish synagogues or church property, right under the roof, either of a synagogue or any portion of a Jewish community building.

(The witness conferred with his counsel.)

Mr. DOYLE. Do you claim the privilege for that, too?

Mr. KATZ. Would you permit me to pause for a moment, sir?

Mr. DOYLE. Certainly.

(The witness conferred with his counsel.)

Mr. KATZ. Did you ask whether there were Communist meetings in and around synagogues?

Mr. DOYLE. I asked whether or not you ever attended one. I did not say you had.

Mr. KATZ. I decline to answer that question.

Mr. DOYLE. I think that is all, Mr. Chairman.

The CHAIRMAN. Any questions, Mr. Willis?

Mr. WILLIS. No.

The CHAIRMAN. Mr. Kearney?

Mr. KEARNEY. No questions.

The CHAIRMAN. If there are no further questions, we will recess.

Mr. RAND. Mr. Chairman, Mrs. Katz is here, and they are down from New York. I don't know how long Mr. Arens intends to be with Mrs. Katz, but if it is at all possible, they would both like to get back. They have children back in New York.

The CHAIRMAN. What do you say, Mr. Arens?

Mr. ARENS. It might be well if the committee can indulge them for another half hour. I do not see how we can conclude with her in less than a half hour.

Mr. WILLIS. We must be on the floor of the House as the President of Italy is to address the Congress at noon.

The CHAIRMAN. Can you complete the interrogation in 15 minutes?

Mr. ARENS. We will be as pointed as possible.

Mr. RAND. I appreciate it, Mr. Chairman.

The CHAIRMAN. If you will waive any objections you might make or could make with respect to a quorum.

Mr. RAND. I will be glad to waive them, Mr. Chairman.

The CHAIRMAN. We will accommodate you, then.

Mr. ARENS. Please come forward, Mrs. Katz, and remain standing to be sworn.

The CHAIRMAN. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. KATZ. I do.

**TESTIMONY OF JULIA KATZ, ACCOMPANIED BY COUNSEL,
HARRY I. RAND**

The CHAIRMAN. I am hopeful that there will be no inferences drawn from the fact that the names of some fine organizations have gotten into these hearings. It is indeed unfortunate that some individuals have found connections in organizations where I am sure they do not belong. I am sure that their presence has been embarrassing. This is particularly true of the labor unions. Because of the fact that some of these individuals have appeared before this committee, I hope no one will draw any inference that these organizations are in fact Communist dominated. I am sure they are not.

(At this point, Mr. Kearney departed from the hearing room.)

Mr. ARENS. Please identify yourself by name, residence and occupation.

Mrs. KATZ. My name is Julia Katz. I am a housewife and live in New York City.

Mr. ARENS. Are you the wife of Sidney Katz who just preceded you on the witness stand?

Mrs. KATZ. Yes.

Mr. ARENS. Are you represented by counsel?

Mr. RAND. Harry I. Rand, Wyatt Building, Washington, D. C.

Mr. ARENS. We are going to try to stay with the essentials on this interrogation so we will economize on time as much as possible.

Mrs. KATZ. I appreciate that.

Mr. ARENS. Please give us in sketch form an outline of your education and your background, where you were born, when you graduated from school, and an enumeration of the jobs you have held, please. Just in very succinct form, please.

Mrs. KATZ. I was born in Russia. I have derivative naturalization, sometime during my early childhood from my father's naturalization.

Mr. ARENS. If you will pause for a question I must ask you, when did you come to the United States?

Mrs. KATZ. 1912, I think. I was then 2 years old.

Mr. ARENS. Proceed, please.

Mrs. KATZ. I went to school in New York City and I am a graduate of NYU. I went to college with my husband. We were married as soon as we finished college. I had employment in New York City as a social worker in public welfare for a period of about 2 or 3 years, I believe. I am very vague on dates and spans of time. But the best of my recollection is I terminated my employment when my husband came to Washington, whatever that year was. I was unemployed in Washington until somewhere in the 1930's. I had a period of about 1 year in a local, in a District of Columbia WPA office, which was an interviewing office for applicants for WPA jobs. I was employed there as an interviewer.

Mr. ARENS. Give us, if you please, Mrs. Katz, the Federal jobs which you held, and the approximate dates.

Mrs. KATZ. The one and only Federal job that I held, I think the funds probably came from Federal sources, was in a District of Columbia WPA office.

Mr. ARENS. And when was that?

Mrs. KATZ. It was for a period of about, I should say, a year, somewhere around 1936, I think.

Mr. ARENS. Could it have been as late as 1937?

Mrs. KATZ. I couldn't say.

Mr. ARENS. Your best recollection at the moment is 1936, is that correct?

Mrs. KATZ. Something like that.

Mr. ARENS. Mrs. Katz, tell us whether or not you have ever known a person by the name of Herbert Fuchs.

Mrs. KATZ. I decline to answer that.

Mr. ARENS. Why?

Mrs. KATZ. Under my privilege of the fifth amendment.

Mr. ARENS. Why?

Mrs. KATZ. The circumstances of this interrogation and the preceding testimony cause me to fear that to answer that question in any way would subject me to prosecution.

Mr. ARENS. If you answered that question truthfully do you think you might supply facts which could be used against you in a criminal proceeding, is that correct?

Mrs. KATZ. I think that it might tend to do that.

Mr. ARENS. Do you know or have you known a person by the name of Eleanor Nelson?

Mrs. KATZ. I must decline to answer that.

Mr. ARENS. In the interest of economizing on time, Mr. Katz, I would like to read you a list of names, and ask you certain questions applicable to each and every person on the list: Eleanor Nelson, Arthur Stein, Henry Rhine, Jessica Rhine, R-h-i-n-e, Philip Reno, Bernard Stern, and Janet Stern. May I ask you first of all whether or not you know or have known each of those persons on the list I just read to you.

Mrs. KATZ. I think it best that I decline to answer that question.

Mr. ARENS. We must have a more pointed response, Mrs. Katz.

Mrs. KATZ. I positively decline to answer.

Mr. ARENS. And why?

Mrs. KATZ. On the grounds that I stated previously, under my privilege, the privilege granted me by the Constitution.

Mr. ARENS. We ought to get this record clear. Do you honestly apprehend that if you gave a truthful answer to that question, you would be supplying information which could be used against you in a criminal proceeding?

Mrs. KATZ. I must conclude the presence of such an apprehension because of the circumstances of this interrogation.

Mr. ARENS. Do you honestly in your own heart and in your own mind feel that if you told this committee whether or not you have even known these people on this list that I have just read to you, you would be supplying information which could be used against you in a criminal proceeding?

Mrs. KATZ. I honestly believe that.

Mr. ARENS. Do you know or have you ever known persons by the name of Morton and Esther Stavis, S-t-a-v-i-s?

Mrs. KATZ. Yes; I have known them.

Mr. ARENS. Could you tell us the nature of your acquaintanceship with them?

Mrs. KATZ. Well, I know that they have children the same age as my children.

Mr. ARENS. Can you further identify them for us and tell us how you happen to know that there are such people as Morton and Esther Stavis?

Mrs. KATZ. I don't know, I think I once——

Mr. ARENS. Let us take it this way. Where did you know them?

Mrs. KATZ. I know them since New York, to the best of my recollection.

Mr. ARENS. Where do they live?

Mrs. KATZ. They live in New Jersey.

Mr. ARENS. Where did you meet them?

Mrs. KATZ. I met them on a boat.

Mr. ARENS. What boat?

Mrs. KATZ. Their boat.

Mr. ARENS. Is it a private boat?

Mrs. KATZ. They are sailboat people, yes.

Mr. ARENS. How did you happen to make their acquaintanceship?

Mrs. KATZ. I don't exactly remember when I met them.

Mr. ARENS. Have you ever been identified with them?

Mrs. KATZ. I met them socially. I met them somewhere where our children took up with each other.

Mr. ARENS. Is that the only basis upon which you have known them?
(The witness conferred with her counsel.)

Mrs. KATZ. That is the only basis on which I know them.

Mr. ARENS. Have you ever acquired information to your certain knowledge as to whether or not Morton and Esther Stavis, or either of them, is or has been a member of the Communist Party?

(The witness conferred with her counsel.)

Mrs. KATZ. I have no certain knowledge of that.

Mr. ARENS. Mrs. Katz, recently, in the course of the last month or so, Mr. Herbert Fuchs testified before this committee under oath, that he attended closed section meetings of the Communist Party in Washington, in 1936 and 1937, at which time you and your husband were present, representing Communist Party cells. Was Mr. Fuchs lying or was he telling the truth?

Mrs. KATZ. In view of the circumstances of these interrogations, I again use my privilege under the fifth amendment.

Mr. ARENS. What do you mean, the circumstances of this investigation? Just a plain ordinary man testified under oath that you were in the Communist Party with him.

Mrs. KATZ. Those are the circumstances.

Mr. WILLIS. You mean cells of the Communist Party composed of people working for the Government?

Mr. ARENS. Yes, sir; thank you.

(The witness conferred with her counsel.)

Mr. ARENS. The circumstance that causes your apprehension is the fact that the man testified under oath that you were a Communist, is that correct?

(The witness conferred with her counsel.)

Mrs. KATZ. I am declining to answer because of the circumstances.

Mr. ARENS. What circumstances are you talking about?

Mrs. KATZ. The circumstances that are implicit in my presence here, and in the fact that witnesses have identified me with the existence of a meeting of the group.

Mr. ARENS. What kind of groups did they talk about?

Mr. RAND. Mr. Chairman, I suggest that the witness has fully answered this question. I respectfully suggest that she has explained her reason for apprehension here. I think rather fully, too.

The CHAIRMAN. She is apprehensive because somebody has identified her as having been a member of a Communist cell, and she will not answer the question because she is afraid that if she does she would incriminate herself. I think a very simple way to arrive at the solution would be to ask her whether or not this person was telling the truth when he testified.

Mr. ARENS. We did pose that question, Congressman.

Mrs. KATZ. I decline to answer that.

The CHAIRMAN. All right.

Mr. ARENS. Are you now a member of the Communist Party.

Mrs. KATZ. I decline to answer that for the same reason.

Mr. ARENS. Mr. Chairman, off the record.

(Discussion off the record.)

The CHAIRMAN. Back on the record.

Mr. ARENS. Do you have information, Mrs. Katz, respecting the existence at any time of Communist cells in the Government of the United States?

(The witness conferred with her counsel.)

Mrs. KATZ. I must decline to answer that, under the same reasons.

Mr. ARENS. Do you know of the existence in the Government of the United States at this time of any person who, to your certain knowledge, is a member of the Communist Party?

(The witness conferred with her counsel.)

Mrs. KATZ. No, I don't.

Mr. ARENS. I would respectfully suggest, Mr. Chairman that the staff interrogation of this witness is concluded.

The CHAIRMAN. Are there any questions?

If not, the witness is excused.

Mr. RAND. Thank you, Mr. Chairman.

The CHAIRMAN. We will recess now until 2:30 this afternoon.

(Present at the taking of the recess: The Chairman, Representatives Willis and Doyle.)

(Whereupon, at 11:45 a. m. the hearing was recessed to reconvene at 2:30 p. m. the same day.)

AFTERNOON SESSION WEDNESDAY, FEBRUARY 29, 1956

(Committee members present at the convening of the afternoon session: The Chairman, Representatives Doyle and Willis.)

The CHAIRMAN. The committee will be in order.

Call your first witness.

Mr. ARENS. Mr. Robert Greenberg, please.

Please remain standing and be sworn.

The CHAIRMAN. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GREENBERG. I do.

**TESTIMONY OF ROBERT N. GREENBERG, ACCOMPANIED BY
COUNSEL, ABE SPERO**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. GREENBERG. My name is Robert Greenberg. I live in Mount Rainier, Md. I am an insurance salesman.

Mr. ARENS. With what company are you identified, Mr. Greenberg?

Mr. GREENBERG. I am identified with several companies, in view of the fact that my insurance sales cover a range of life and general insurance, and the insurance policies I sell are handled by more than one company.

Mr. ARENS. What is the principal company with which you are identified?

Mr. GREENBERG. The Mutual Life.

Mr. ARENS. Mutual Life Insurance Co. of what State?

Mr. GREENBERG. New York State.

Mr. ARENS. Mr. Greenberg, are you appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. GREENBERG. That is right.

Mr. ARENS. Are you represented by counsel?

Mr. GREENBERG. Yes, sir.

Mr. ARENS. Will counsel kindly identify himself?

Mr. SPERO. Abe Spero, Washington, D. C.

Mr. ARENS. Identify the law firm if you are so associated?

Mr. SPERO. I am an attorney on my own, not associated with a law firm.

Mr. ARENS. Have you appeared, Mr. Greenberg, in the course of the last several days, in executive session before the Committee on Un-American Activities?

Mr. GREENBERG. That is certainly right, sir.

Mr. ARENS. In view of the fact that details of your background have been developed in executive session, I shall try in this questioning to omit any of those extraneous details, so we can come right to the issues now of interest to the committee.

(At this point, Representative Moulder entered the hearing room.)

Mr. ARENS. Where and when were you born?

Mr. GREENBERG. I was born January 1, 1915, in New York City.

Mr. ARENS. Were you graduated from the College of the City of New York in 1934?

Mr. GREENBERG. That is correct.

Mr. ARENS. Thereafter, in 1935, you became employed by the Department of Labor, in the Bureau of Labor Statistics, is that correct?

Mr. GREENBERG. That is correct.

Mr. ARENS. In what capacity were you employed in the Bureau of Labor Statistics?

Mr. GREENBERG. Statistical clerk, sir.

Mr. ARENS. How long were you so employed?

Mr. GREENBERG. Perhaps for a year or for 15 months, I believe.

Mr. ARENS. Continue please.

Mr. GREENBERG. I continued in the Department of Labor until 1941, and then was employed in the United States Employment Service until I entered the Armed Forces in July of 1942. I served 39 months with the Armed Forces, was honorably discharged in October 1945. I resumed employment in December of 1945 going with the French Supply Council, until June of 1946. In June of 1946, I was employed by the Guaranteed Wage Study, in which position I continued until April of 1947. In April of 1947, I was employed by the Food and Agricultural Organization, and continued there until October of 1947. Then followed 1 year of employment in the Department of Commerce, until October 1948. I left the Department of Commerce to accept a position with a private research organization, which continued until April of 1949.

Mr. ARENS. What is the name of the private research organization?

Mr. GREENBERG. The Public Affairs Institute.

Mr. ARENS. Where is that located?

Mr. GREENBERG. In Washington, D. C.

Mr. ARENS. And your job there?

Mr. GREENBERG. Research.

Mr. ARENS. And your next employment?

Mr. GREENBERG. I entered the insurance business in April 1949.

Mr. ARENS. And you have been continuously employed in the insurance business since then, is that correct?

Mr. GREENBERG. I would like to make this distinction, since I think it is pertinent. I am not employed. I am self-employed. I understand from a legal standpoint I am what is known as an independent contractor.

Mr. ARENS. Mr. Greenberg, do you know or have you ever known a person by the name of Jacob Grauman, G-r-a-u-m-a-n?

Mr. GREENBERG. Yes, sir; I did.

Mr. ARENS. What has been the nature of your acquaintanceship with him?

Mr. GREENBERG. He was a fellow employee on the Guaranteed Wage Study on which I was employed for 9 months.

Mr. ARENS. In what year?

Mr. GREENBERG. June of 1946 until April of 1947.

Mr. ARENS. Have you ever known him in any capacity other than as a fellow employee?

Mr. GREENBERG. He lived as a resident in the same apartment development in which I was a resident.

Mr. ARENS. Is there any other capacity in which you have known him?

Mr. GREENBERG. He was an employee of the Department of Labor.

Mr. ARENS. Is there any other capacity in which you have known him?

Mr. GREENBERG. I do not understand the tenor of your question, sir.

Mr. ARENS. Have you and Jacob Grauman had an association or activity together in concert other than the association or activity which you have thus far recounted to this committee?

Mr. GREENBERG. May I consult counsel, sir?

Mr. ARENS. Yes, sir.

(The witness conferred with his counsel.)

Mr. GREENBERG. I don't understand that question, sir.

Mr. ARENS. Have you and Jacob Grauman ever belonged to the same organization?

Mr. GREENBERG. Yes; we belonged to a union in the Department of Labor.

Mr. ARENS. Is there any other organization to which you and Jacob Grauman have belonged?

Mr. GREENBERG. Sir, I do not understand your question.

Mr. ARENS. Name the organizations of which both you and Jacob Grauman were members.

(The witness conferred with his counsel.)

Mr. GREENBERG. Sir, I must decline to answer this question.

Mr. ARENS. Why?

Mr. GREENBERG. In accordance with my constitutional rights under the fifth amendment.

Mr. ARENS. Do you honestly and truly apprehend that if you told this committee of the Congress the associations or activities in which you engaged with Jacob Grauman you would be supplying information which could be used against you in a criminal proceeding?

Mr. GREENBERG. I must say that I fear that it might, sir.

Mr. ARENS. Were you and Jacob Grauman coworkers in the Department of Labor?

Mr. GREENBERG. Yes, sir.

Mr. ARENS. During what years?

Mr. GREENBERG. I do not recall when I was employed in the Department of Labor, except that I know that he was employed there for a period.

Mr. ARENS. I don't believe my question is clear. Were you and he fellow employees at the same time in the Department of Labor?

Mr. GREENBERG. Yes, sir.

Mr. ARENS. What year was it, or years that you and Grauman were fellow employees in the Department of Labor?

Mr. GREENBERG. I meant to say that I cannot recall the exact period of his employment in the Department of Labor. I know that he was there during some portion of the time that I was there between 1935 and 1942. No, 1935 and 1939, I suppose.

Mr. ARENS. Do you know a person or have you known a person by the name of Bertha Blair?

Mr. GREENBERG. I must decline to answer that question, sir.

Mr. ARENS. Are you going to decline to answer whether you know there ever was such a person by the name of Bertha Blair?

Mr. GREENBERG. I must decline to answer that question, in accordance with my constitutional rights.

Mr. ARENS. Why? Why do you decline to answer the question as to whether or not you have ever known a person by the name of Bertha Blair?

(The witness conferred with his counsel.)

(At this point, Representative Scherer entered the hearing room.)

Mr. GREENBERG. I fear that this might tend to lead to prosecution.

Mr. ARENS. In other words, if you told this committee the truth as to whether or not you knew Bertha Blair, do you honestly appre-

hend that that answer could supply information which could be used against you in a criminal proceeding?

Mr. GREENBERG. I fear that it might.

Mr. ARENS. Do you know or have you known a person by the name of Morris Levine?

Mr. GREENBERG. Yes, sir.

Mr. ARENS. Kindly tell us the nature of your acquaintanceship with Morris Levine.

Mr. GREENBERG. He was employed in the Department of Labor when I was.

Mr. ARENS. Is that the extent of your acquaintanceship with Morris Levine?

Mr. GREENBERG. He was, as I understand it, a member of the union, to which I also belonged.

Mr. ARENS. What is the name of that union?

Mr. GREENBERG. I believe it was called the United Federal Workers of America.

Mr. ARENS. Is that the only acquaintanceship that you had with Morris Levine, through the union and as a fellow employee in the Department of Labor?

Mr. GREENBERG. I will decline to answer that question, in accordance with my constitutional rights.

Mr. ARENS. Is it a fact that if you tell this committee a truthful answer to that question, you would be supplying information which could be used against you in a criminal proceeding?

Mr. GREENBERG. I fear that it might.

Mr. ARENS. Have you ever worked for the United Nations? I believe we omitted that in the chronology of employment.

Mr. GREENBERG. No, sir, I did not. I referred to it under its proper name, the Food and Agriculture Organization.

Mr. ARENS. That is a subentity of the United Nations is it not?

Mr. GREENBERG. That is right, except that it operated autonomously.

Mr. ARENS. How long did you work for that organization?

Mr. GREENBERG. For 5 or 6 months.

Mr. ARENS. In what year, please, sir?

Mr. GREENBERG. From April of 1947 until October 1947.

(At this point Representatives Scherer and Moulder left from the hearing room.)

Mr. ARENS. Tell us whether or not you have ever known a person by the name of Helen Miller.

Mr. GREENBERG. Yes, sir.

Mr. ARENS. What is the nature of your acquaintanceship with Helen Miller?

Mr. GREENBERG. She was employed in the Labor Department when I was.

Mr. ARENS. In what capacity was she employed?

Mr. GREENBERG. I don't recall the nature of her work. She was a civil-service employee.

(At this point, Representative Willis left from the hearing room.)

Mr. ARENS. Was she employed on the same floor of the building as you?

Mr. GREENBERG. As a matter of fact, she was.

Mr. ARENS. How did you know her while there?

Mr. GREENBERG. She was a member of the union to which I belonged.

Mr. ARENS. Are you telling us the whole nature of your acquaintanceship with her?

Mr. GREENBERG. Would you explain?

Mr. ARENS. You are under oath to this committee to tell us the truth, the whole truth and nothing but the truth. Please tell us the whole truth as to the nature of your acquaintanceship with Helen Miller.

Mr. GREENBERG. I must decline to answer that question in accordance with my constitutional rights.

Mr. ARENS. Do you honestly apprehend if you should tell us the truth to that question, you would be giving us information that might be used against you in a criminal proceeding?

Mr. GREENBERG. It might.

Mr. ARENS. Do you know or have you ever known a person by the name of Harry Brenner?

Mr. GREENBERG. Yes, sir. He was employed in the Department of Labor when I was.

Mr. ARENS. Tell us the whole truth with respect to your acquaintanceship with Harry Brenner?

Mr. GREENBERG. He was a member of the union to which I belonged.

Mr. ARENS. Is that the whole truth with reference to your acquaintanceship with Harry Brenner?

Mr. GREENBERG. I must decline to answer in accordance with my constitutional rights.

Mr. ARENS. I put it to you as a fact, that you, Harry Brenner, Helen Miller, Morris Levine, Bertha Blair, and Jacob Grauman, about whom I have interrogated you, were all members of a Communist conspiracy cell in the Department of Labor, and I ask you now to affirm or deny that fact.

Mr. GREENBERG. I decline to answer in accordance with my constitutional rights.

Mr. ARENS. Do you know or have you known a person by the name of George Silverman?

Mr. GREENBERG. Yes, sir.

Mr. ARENS. Can you tell this committee whether or not to your certain knowledge George Silverman is or was a member of the Communist Party?

Mr. GREENBERG. I have no knowledge of his membership in the Communist Party. Would you be interested in any further information as to the extent of my relationship with George Silverman?

Mr. ARENS. Kindly give us that information as succinctly as is at all convenient, sir.

Mr. GREENBERG. All right. While in the service——

Mr. ARENS. Which service?

Mr. GREENBERG. In the Armed Forces, as a member of the Air Force. While on furlough, I heard of a job in a unit of the Pentagon in which he had an official capacity, where they were employing trained personnel, enlisted men and civilians, on work of the Government. I applied for consideration, and this consideration was not given to me and that was the end of the first contact with any organization with which Mr. Silverman was connected.

Mr. ARENS. Would you pause there a moment? Did you know that Silverman and Silvermaster were cohorts, colleagues, in an enterprise?

Mr. GREENBERG. I had no knowledge of any activities of Mr. George Silverman or Silvermaster that were detrimental to the Government of the United States.

Mr. ARENS. I didn't ask you that question.

Mr. GREENBERG. Please restate it.

Mr. ARENS. Do you know whether or not George Silverman and Nathan Gregory Silvermaster were colleagues in some enterprise?

Mr. GREENBERG. I never knew Nathan Gregory Silvermaster. I never saw him, I never spoke to him. I have no knowledge of him whatsoever.

Mr. ARENS. Now would you answer the question? Do you know whether or not Silvermaster and George Silverman were colleagues, to your knowledge, in any enterprise?

Mr. GREENBERG. I had no knowledge of their being colleagues in any enterprise.

(At this point, Representative Doyle left the hearing room. Committee members present at this point: The Chairman.)

Mr. ARENS. Now proceed. You were explaining your relationships or associations or contacts with Silverman.

Mr. GREENBERG. I have described the first relationship with an organization with which he was connected. It did not involve, so far as I recall, any contact with him, even of the most cursory sort.

Mr. ARENS. What year did you enter the Armed Forces?

Mr. GREENBERG. I entered the Armed Forces in July 1942.

Mr. ARENS. Did you disassociate yourself from the Communist Party in July of 1942?

Mr. GREENBERG. I will answer that question. Since before I entered the Armed Forces, I have had no connection with any activity that could even be deemed controversial by a person of conservative political views.

Mr. ARENS. How long before you entered the Armed Forces did you find yourself in that status where you could not be regarded as being in any activity which would be at all of controversy?

(The witness conferred with his counsel.)

Mr. GREENBERG. I must decline to answer that question, in accordance with my constitutional rights.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question. He has opened the door.

The CHAIRMAN. You are directed to answer that question.

(The witness conferred with his counsel.)

Mr. GREENBERG. I decline to answer that, sir, in accordance with my constitutional rights.

Mr. ARENS. I lay before you a photostatic copy of a document, bearing a signature, and ask you if you can identify that signature.

(Document handed to witness.)

(The witness conferred with his counsel.)

Mr. GREENBERG. That appears to be my signature.

Mr. ARENS. Would you say also that this photostatic document entitled, "Application for Federal Employment," which was filled out

by you, is a true and correct reproduction of the application for Federal employment filled out by you in 1946?

Mr. GREENBERG. Yes.

Mr. ARENS. I invite your attention, Mr. Greenberg, specifically, to Question No. 26. This document is dated June 5, 1946. Question 26 reads as follows:

Do you advocate or have you ever advocated, or are you now or have you ever been a member of any organization that advocates the overthrow of the Government of the United States by force or violence?

There are two columns appearing opposite that, one for "Yes" and one for "No." In the column immediately opposite under which appears "No," there appears an "X." Did you place that "X" in the "No" column after question 26, which I have just read?

Mr. GREENBERG. I must decline to answer that question, in accordance with my constitutional rights.

Mr. ARENS. Do you decline to tell this committee of the Congress whether or not in the application form which you have identified and on which you have identified your signature, you filled in the answer to a particular question bearing upon your loyalty to the Government you sought to serve?

Mr. SPERO. What is the question, Mr. Arens?

Mr. GREENBERG. What is the question?

Mr. ARENS. Read it please, Mr. Reporter.

(The reporter read from his notes as requested.)

Mr. GREENBERG. I must decline to answer, sir, in accordance with my constitutional rights.

Mr. ARENS. Would you tell this committee that you did not place this "X" in the column under "No" to question 26 bearing upon your loyalty to this Government, in whose service you sought to gain employment?

Mr. GREENBERG. I must decline to answer that question.

Mr. ARENS. Do you now honestly apprehend that if you told this committee of the Congress the truth, as to whether or not in 1946 you put an "X" in the "No" column as to whether or not you were then or ever had been a member of the Communist Party, you would be supplying information which could be used against you in a criminal proceeding?

Mr. GREENBERG. I have already indicated to you my status so far as my loyalty to this Government—

Mr. ARENS. That is not answering the question. Do you honestly apprehend that if you told this committee of the Congress whether or not this "X" after question No. 26, in the "No" column was placed there by you, you would be supplying information which could be used against you in a criminal proceeding?

Mr. GREENBERG. I fear that it might.

Mr. ARENS. Were you, as of June 5, 1946, the date of this form, a person who had never been a member of the Communist Party?

Mr. GREENBERG. I must decline to answer that question, in accordance with my constitutional rights.

Mr. ARENS. Did you make a truthful representation to your Government in June of 1946, with reference to your loyalty, when you filled out this application for Federal employment?

Mr. GREENBERG. I must decline to answer that question, in accordance with my constitutional rights under the fifth amendment.

Mr. ARENS. Did you, when you filled out this application form for Federal employment, which bears the signature you have identified, take cognizance of the statement appearing at the bottom of the form, that a false statement on this application is punishable by law, and that "I certify that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith"?

Mr. GREENBERG. I must decline to answer that question.

Mr. ARENS. I respectfully suggest, Mr. Chairman, he be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question. What prosecution do you think you might be confronted with if you would answer the question.

(The witness conferred with his counsel.)

Mr. GREENBERG. I decline, because I have a fear that it might be used to my detriment.

Mr. ARENS. The question merely asked if he was cognizant of the language on the form. I respectfully request that he be directed to answer the question.

The CHAIRMAN. Yes; I direct that you answer the question.

(The witness conferred with his counsel.)

Mr. SPERO. Is there a pending question at this point? I do not understand whether there is or is not a question.

Mr. ARENS. Not as of the instant, no. He has failed to comply with a direction from the committee to answer a question.

Mr. SPERO. Is the question purely whether or not he read the Form 57 that you are showing him?

Mr. ARENS. No; he has identified this form and identified his signature. The question is whether or not he was cognizant of the language appearing at the bottom of the form, very close to his signature, which I have read, that a false statement on this form is punishable. That is the essence of it, and he has declined to answer it. The chairman has directed him to answer it, and he still declines to answer it.

I should now like to ask another question: Did you have knowledge of the existence of a Communist cell in the Department of Labor while you were employed there?

Mr. GREENBERG. I must decline to answer that question, in accordance with my constitutional rights.

Mr. ARENS. Was this union you described a while ago of which you were a member controlled by the Communist Party or was it controlled by persons known by you to be Communists?

(At this point, Representative Willis entered the hearing room.)

Mr. GREENBERG. This union to which I belonged, sir, was controlled by its membership which varied between 300 and 400.

Mr. ARENS. How many people in that union, to your certain knowledge, were members of the Communist Party?

Mr. GREENBERG. I decline to answer that question.

Mr. ARENS. Were there some people in that union who, to your certain knowledge, were members of the Communist Party?

Mr. GREENBERG. I decline to answer that.

Mr. ARENS. Were you ever a member of the American League for Peace and Democracy?

Mr. GREENBERG. Yes, sir; I was.

Mr. ARENS. Do you recall the approximate dates that you were a member of the American League for Peace and Democracy?

Mr. GREENBERG. I would say about 1937 or 1938 and 1939—somewhere in there.

Mr. ARENS. Were you ever a member of the Washington Bookshop?

Mr. GREENBERG. I joined that to take advantage of a membership discount, and that was entirely the extent of my membership or participation.

Mr. ARENS. Were you ever a member of the Washington Committee for Democratic Action?

Mr. GREENBERG. I have no recollection of whether I was a member of that organization.

Mr. ARENS. Mr. Chairman, as I indicated at the outset of the interrogation of this witness, we heard him in executive session, so this will conclude the staff's interrogation in this public session.

The CHAIRMAN. Are there any questions?

If not, the witness is excused.

Mr. GREENBERG. Thank you.

Mr. ARENS. We have one more witness. If the chairman please, the next witness will be Mr. Robert R. Ehrlich, E-h-r-l-i-c-h.

Mr. Ehrlich, will you kindly come forward? Raise your right hand and be sworn.

The CHAIRMAN. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. EHRLICH. Yes, sir.

TESTIMONY OF ROBERT R. EHRLICH, ACCOMPANIED BY COUNSEL, VICTOR RABINOWITZ

Mr. ARENS. Please identify yourself by name, residence, and occupation.

(At this point, Representative Scherer entered the hearing room.)

Mr. EHRLICH. My name is Robert Ehrlich. I live in Springfield, Mass. I am self-employed.

Mr. ARENS. In what line of business, Mr. Ehrlich?

Mr. EHRLICH. I make a number of small manufactured items such as plastic advertising items, paper items, things like that.

Mr. ARENS. And for purposes of identification, please tell us the name of the company.

Mr. EHRLICH. Tracy's Co.

Mr. ARENS. Are you appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. EHRLICH. Yes, sir.

Mr. ARENS. Are you represented by counsel?

Mr. EHRLICH. Yes, sir.

Mr. ARENS. Will counsel kindly identify himself?

Mr. RABINOWITZ. Victor Rabinowitz, New York.

Mr. ARENS. Give us the name of the firm, please.

Mr. RABINOWITZ. Rabinowitz and Boudin, 25 Pine Street, N. Y.

Mr. ARENS. Kindly give us a thumbnail sketch of your early background, where you were born, when, and a word of your education.

(At this point Representative Moulder entered the hearing room.)

Mr. EHRLICH. I was born in Massachusetts in 1908. I was educated in the public schools, at Harvard College and the Harvard Business School.

Mr. ARENS. When did you graduate from Harvard?

Mr. EHRLICH. I graduated from the college in 1929 and from the business school in 1931.

Mr. ARENS. Will you give us in comparable order, please, Mr. Ehrlich, a sketch of the employments which you have had since you completed your formal education?

Mr. EHRLICH. After leaving the business school in 1931, I was employed in a series of miscellaneous jobs. One was in a department store, one was for a boys camp, for about a year. And then I worked for the RKO Corp. in New York City for about 15 months in 1933 and 1934.

May I refer to a paper on which I have jotted down this employment?

Mr. ARENS. Yes; that would be helpful to the committee. We just want a skeleton outline of it.

Mr. EHRLICH. In June of 1935, I was employed by the Resettlement Administration in Washington and I remained there until September 1936.

Mr. ARENS. In what capacity were you employed in the Resettlement Administration?

Mr. EHRLICH. I was Chief of a Records Section in the Management Division, and then I think Assistant Chief of a Finance Section in the Finance and Comptroller Division.

Mr. ARENS. During the course of that employment, when you were Chief of the Records Section of the Resettlement Administration in Washington, did you have access to confidential or restricted information?

Mr. EHRLICH. I believe not, sir.

Mr. ARENS. Proceed.

Mr. EHRLICH. From September 1936 to July 1937, I was employed by a subcommittee of the Senate Committee on Education and Labor, under Senate Resolution 266.

Mr. ARENS. What subcommittee?

Mr. EHRLICH. That was the La Follette.

Mr. ARENS. In what capacity were you employed there?

Mr. EHRLICH. I was employed as an investigator for the committee, and an assistant in the preparation of hearings.

Mr. ARENS. When you were with the La Follette subcommittee, did you know a lady by the name of Bertha Blair?

Mr. EHRLICH. I do not recall that name at all, sir.

Mr. ARENS. We will pick it up from there. Your next employment, please, sir?

Mr. EHRLICH. I was next employed by the National Labor Relations Board, from July 1937 until July 1942, as an examiner in the New York office of the Board.

Mr. ARENS. Proceed.

Mr. EHRLICH. From July 1942 until November 1942, I was employed in the New York office, the regional office, of the Office of Price Administration.

Mr. ARENS. In what capacity, please, sir?

Mr. EHRLICH. I believe my title was Chief Investigator.

Mr. ARENS. Chief Investigator for the New York area for OPA?

Mr. EHRLICH. That is correct, sir.

Mr. ARENS. May I ask at this point, did you have access to confidential or restricted information when you were Chief Investigator for the OPA?

Mr. EHRLICH. I don't believe we had any such classifications of information, but all Government records are confidential in a sense. They were case records of investigations, yes.

Mr. ARENS. Kindly proceed with your next employment.

Mr. EHRLICH. From November 1942 until December 1943, I was with the National Labor Relations Board, again, in the New York office, the New York regional office, as assistant regional director.

Mr. ARENS. Who was the director there? Bring us up on that, would you, please?

Mr. EHRLICH. At that time, I believe, through the entire period which I last mentioned, Mr. Douds was the director, though it is possible that Elinore M. Herrick may have been director part of that time. She was the director preceding Mr. Douds.

Mr. ARENS. Proceed.

Mr. EHRLICH. From December 1943 until some time around March, and I have been unable to identify the exact time, in 1944, I was the assistant director of the field division of the National Labor Relations Board in Washington, or I was one of the assistant directors.

Mr. ARENS. Continue.

Mr. EHRLICH. From June 1944, roughly, or March somewhere in that period, to some time about the beginning of 1947, I believe, I was again with the Office of Price Administration in the Washington office, in the enforcement division.

Mr. ARENS. In what capacity?

Mr. EHRLICH. As Chief Investigator.

Mr. ARENS. Was that just for the Washington area that you were Chief Investigator, or was that Chief Investigator for the Nation?

Mr. EHRLICH. It was Chief Investigator for the Nation in a training sense.

Mr. ARENS. You might give us a little more explanation on that.

Mr. EHRLICH. The Washington office had no operating function with respect to investigations in most cases. My function as Chief Investigator in the Washington office was to set standards for investigations, to provide for the training of investigators, for the recruitment of investigators for certain administrative budget estimates and things of that kind, covering the Investigative Division, and also to take direct charge of the Criminal Investigation Division, which had to do with the apprehension of counterfeiters of ration stamps, and other distinctly criminal violations of the statutes, and I had direct charge of that group, which was national.

Mr. ARENS. Was that from 1944 to 1947?

Mr. EHRLICH. Yes, sir.

Mr. ARENS. Give us your next employment, please.

Mr. EHRLICH. I believe toward the latter part of that period, I was technically an employee of the Department of Agriculture, because part of enforcement was assigned to Agriculture at some point, the Sugar Rationing Administration, I think, as the OPA budget was chopped off. After that employment, which I believe terminated early

in 1947 or somewhere thereabouts, I chose not to exercise my permanent right to return to the National Labor Relations Board where I had civil service status, but left the Government service of my own.

Mr. ARENS. Is that when you started your own business?

Mr. EHRLICH. That is correct. I started my own business.

Mr. ARENS. Is it a plastics business?

Mr. EHRLICH. Yes.

Mr. ARENS. During the course of your employment in the Federal Government, did you make the acquaintanceship or know a person by the name of Alexander Stevens?

Mr. EHRLICH. That name does not mean anything to me, sir.

Mr. ARENS. Did you know a person, or have contact with a person, by the name of J. Peters?

(The witness conferred with his counsel.)

Mr. EHRLICH. I will respectfully decline to answer that question, and I assert my privilege under the fifth amendment.

Mr. ARENS. Why?

Mr. EHRLICH. Because I believe that to answer that question may tend to subject me to criminal prosecution, however unjustifiably.

Mr. ARENS. I am a little puzzled by your last phrase. Did you say "however unjustifiably?"

Mr. EHRLICH. However unjustifiable such a prosecution might be.

Mr. ARENS. Since you suggested that any criminal prosecution of you in connection with J. Peters would be unjustified, I ask you now whether or not you are presently a member of the Communist Party.

Mr. EHRLICH. No, sir; I am not.

Mr. ARENS. Have you ever been a member of the Communist Party?

Mr. EHRLICH. Let me state that since I left Washington in 1947, I believe, I have had no connection with the Communist Party, and—

Mr. MOULDER. May I ask a question?

The CHAIRMAN. Have you finished your answer.

Mr. EHRLICH. No; and as to the period prior to my leaving Washington, I assert my privilege to decline to answer that question on the same basis.

Mr. MOULDER. The question I have to ask is this: You say you are not now a member of the Communist Party?

Mr. EHRLICH. That is correct, sir.

Mr. MOULDER. Do you believe in the objectives, philosophy, and purposes of the Communist Party?

Mr. EHRLICH. No, sir.

Mr. ARENS. Are you under Communist Party discipline?

Mr. EHRLICH. No, sir.

Mr. ARENS. Were you a member of the Communist Party while you were Chief Investigator for the OPA and had charge of recruiting investigators for that Government agency?

Mr. EHRLICH. I decline to answer that question for the same reason as previously stated.

Mr. ARENS. I put it to you as a fact, sir, and ask you to affirm or deny the fact, that while you were in the Federal Government, in the employ of the National Labor Relations Board, in New York City, from 1937 to 1942, that you were in contact on Communist Party business with J. Peters, also known as Alexander Stevens, who was a top international Cominform agent in America.

Mr. EHRLICH. I decline to answer that question, on the same grounds as I previously stated.

Mr. ARENS. Do you know or have you known a person by the name of Ann Stevens, A-n-n?

(The witness conferred with his counsel.)

Mr. EHRLICH. I decline to answer that question on the same grounds as previously stated.

Mr. ARENS. Ann Stevens was the physical contact you had with J. Peters, was she not? Was she the courier between you and her husband, Alexander Stevens, also known as J. Peters, a top Cominform agent in the United States?

Mr. EHRLICH. Is that a question?

Mr. ARENS. Yes, sir, it is a question.

Mr. EHRLICH. I decline to answer that question on the same grounds as I have previously stated.

Mr. ARENS. How many people did you actually recruit into the Federal service when you were chief investigator for the OPA, from 1944 until 1947?

Mr. EHRLICH. Might I ask you to define that a little? Do you mean personally have anything to do with hiring—

Mr. ARENS. How many were recruited as investigators under your supervision and control? I am under the impression, and more than an impression, you testified that from 1944 to 1947 you were chief of investigations for the OPA, and part of your assignment was to recruit investigators, or to supervise recruiting of investigators.

Mr. EHRLICH. Yes.

Mr. ARENS. How many of those investigators were recruited under your supervision?

Mr. EHRLICH. A good many investigators, but not by my direct hiring or having anything to do with individual applicants. My job had to do primarily with the drawing of standards for the qualifications of investigators in certain grades of civil service.

Mr. ARENS. In that process of recruiting investigators into the Government of the United States and specifying the standards, did you receive, in the course of your work, any direction, suggestions, orders, from a person known by you to be a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. EHRLICH. No, sir.

Mr. ARENS. Did J. Peters give you any instructions, orders, or suggestions with reference to any of your activities?

(The witness conferred with his counsel.)

Mr. EHRLICH. I respectfully decline to answer that question on the same grounds as previously stated.

Mr. ARENS. Do you honestly apprehend that if you would tell this committee of the Congress whether or not you received instructions, orders, or directions from J. Peters, a top international Cominform agent, while you were chief investigator for the OPA, you would be supplying information which could be used against you in a criminal proceeding?

Mr. EHRLICH. I believe that my testimony might, however unjustifiably, be used against me or to involve me, in a criminal proceeding.

Mr. ARENS. Let us consider that "however unjustifiably." Would it be unjustifiable if you were prosecuted on the basis of facts you

would be revealing to this committee if you told the truth with respect to your relationships with J. Peters?

Mr. EHRLICH. I decline to answer that question on the same grounds as previously stated.

Mr. ARENS. During 1943 and 1944, while you were in the employ of the National Labor Relations Board in Washington, D. C., were you then a member of the Communist conspiracy?

(The witness conferred with his counsel.)

Mr. EHRLICH. I decline to answer that question on the same grounds as I have previously stated.

Mr. ARENS. During the course of your employment in the National Labor Relations Board, did you know a person by the name of Joseph B. Robison?

(The witness conferred with his counsel.)

Mr. EHRLICH. If I knew him at all, it was most casually, in the course of employment.

Mr. ARENS. Well, do you have a recollection of knowing him?

Mr. EHRLICH. Very vaguely, sir.

Mr. ARENS. Do you have a recollection of knowing him in any relationship to the Communist Party?

(The witness conferred with his counsel.)

Mr. EHRLICH. I will respectfully decline to answer that question on the same grounds as I previously stated.

Mr. ARENS. During this period, and the period I am talking about now is 1943 and 1944, when you were in the National Labor Relations Board in Washington, D. C., did you know a person by the name of David Rein, R-e-i-n?

Mr. EHRLICH. I knew a David Rein who was an attorney for the Board, and I may have known him casually.

Mr. ARENS. Is that the extent of your acquaintanceship with David Rein?

Mr. EHRLICH. That was the extent of it.

Mr. ARENS. Did you know a person by the name of Woodrow Sandler, S-a-n-d-l-e-r?

Mr. EHRLICH. That name does not mean anything to me.

Mr. MOULDER. As to the person you say you knew casually, David Rein, did you ever attend any meetings or conferences with him independent of your official duties?

Mr. EHRLICH. When I say I knew him casually, sir, what I mean is that I was aware that there was such a person in the Board, and I might have had a "hello" acquaintance with him in the hallways, and that is the extent of the acquaintance that I mean to indicate by saying that I knew him casually.

Mr. MOULDER. Did you ever attend any meetings or any conferences with him?

Mr. EHRLICH. Do you mean in the course of my employment?

Mr. MOULDER. Outside of your official work in the Government.

Mr. EHRLICH. As to that, sir, I respectfully decline to answer your question, for the same reasons that I previously stated.

Mr. ARENS. Did you know a person by the name of Jacob H. Krug, K-r-u-g?

Mr. EHRLICH. The same answer as to David Rein. I may have known him casually. All these people worked in a division of the Board which was different from mine.

Mr. ARENS. Aside from the casual acquaintanceship, did you know him in any capacity in an organization outside of your routine employment activities?

Mr. EHRLICH. I will respectfully decline to answer that question on the same grounds as previously stated.

Mr. ARENS. Did you know a person by the name of Harry Cooper, C-o-o-p-e-r?

Mr. EHRLICH. That name doesn't mean anything to me.

Mr. ARENS. Did you know a person by the name of Ruth Weyand, W-e-y-a-n-d, whose name may have been Ruth Weyand Perry. She goes under the name of Ruth Weyand, and her married name is Perry.

Mr. EHRLICH. If I knew her at all, it was in the same very slight manner as I indicated with respect to the answer to Congressman Moulder's question.

Mr. ARENS. Let us be a little more specific on that. I think we are all vague on that. We are not now pressing you for your knowledge of an acquaintanceship within the course of your employment. We want to collect your best recollection to tell us whether or not you have ever known a person by the name of Ruth Weyand, W-e-y-a-n-d, in any capacity outside of the speaking acquaintanceship which you apparently had with her in the National Labor Relations Board.

Mr. EHRLICH. I didn't say I had a speaking acquaintance with her, because really the name means almost nothing to me, except that I am aware that there was such a person employed by the Board. I may have known her by sight, though I do not now recall what she looks like, but I have no further knowledge than that.

Mr. ARENS. To the best of your recollection is that the extent of your acquaintanceship with her?

Mr. EHRLICH. That is, yes.

Mr. ARENS. Was your disassociation from the Federal Government occasioned directly or indirectly by any loyalty investigation instituted towards yourself?

Mr. EHRLICH. No, sir.

Mr. ARENS. Have you ever, to your knowledge, been the subject of a loyalty investigation?

Mr. EHRLICH. I was the subject of a good many investigations on the occasion of each of my employments, I believe. I believe those investigations took into their scope questions of my loyalty. But I do not believe, nor have I ever had any reason to believe, that any of the agencies for which I worked or any of the investigative agencies of the United States Government or any of my supervisors had any reason to question my loyalty and my devotion to the job which I held.

Mr. ARENS. During all of this time that you have been talking about, were you a member of the Communist conspiracy?

Mr. EHRLICH. I will respectfully decline to answer your question for the same reasons as I have previously stated.

Mr. ARENS. In view of your philosophical dissertation here on loyalty—

Mr. EHRLICH. It is a factual dissertation.

Mr. ARENS. —and your attitude toward your job, I would like to ask you this: whether or not you feel a person could be as loyal, as devoted to his job, and as productive in good, patriotic interests of his Nation as you have described yourself if he were a member of the Communist Party?

Mr. EHRLICH. No, sir.

Mr. ARENS. Do you feel that it would be inconsistent to be as loyal as you say you were and to be a member of the Communist Party?

Mr. EHRLICH. I hesitate to give you a question and answer as to a matter of opinion, but if I may consult with my counsel, maybe I can give you an answer.

(The witness conferred with his counsel.)

Mr. EHRLICH. I think I will not answer questions of opinion of that kind and get into an argument or discussion with you.

Mr. ARENS. The question was only posed because of your characterization of yourself being so loyal. I wanted to see whether or not you felt that a person could be as loyal as you say you were and still be a member of the Communist Party or whether or not it was inconsistent.

Mr. EHRLICH. I do not wish to discuss it, but I do wish to reaffirm what I said.

Mr. SCHERER. You said you were not going to answer that question, but you did not give any reason for refusing to answer counsel's question.

Mr. EHRLICH. I stated I thought it was a matter of opinion and that I didn't wish to argue it with him.

Mr. SCHERER. Is that the only reason you are not answering it, because it is a matter of opinion?

(The witness conferred with his counsel.)

Mr. EHRLICH. Yes, sir.

Mr. SCHERER. Then I ask you to direct the witness to answer the question, Mr. Chairman.

The CHAIRMAN. Have you conferred with your attorney?

I direct you to answer the question.

(The witness conferred with his counsel.)

Mr. EHRLICH. I will respectfully decline to answer that question on the same grounds as my refusal for answering previous questions, namely the fifth amendment.

Mr. ARENS. During the course of your employment in the Federal Government, did you at any time, procure or transmit any information to a person not authorized by law to receive the same?

Mr. EHRLICH. No, sir, never.

Mr. ARENS. Do you have any information or knowledge respecting the transmission of any information to a person not authorized by law to receive the same?

Mr. EHRLICH. No, sir.

Committee members present at this point: The Chairman, Representatives Scherer, Moulder, and Willis.)

Mr. ARENS. I think, Mr. Chairman, I have covered the items that the staff had in mind.

Mr. WILLIS. I would like to ask 2 or 3 questions.

Did I understand you to say that you were the Director of the Sugar Rationing Administration for awhile?

Mr. EHRLICH. The Director of Enforcement, sir.

Mr. WILLIS. Director of Enforcement?

Mr. EHRLICH. Yes, sir.

Mr. WILLIS. And I understand that you were transferred to that position in about April of 1947?

Mr. EHRLICH. I believe it was some time about then, yes.

Mr. WILLIS. And you remained in that position for some four or five months?

Mr. EHRLICH. That would be about right, yes.

Mr. WILLIS. Were you in charge of the whole enforcement division? By that I mean, approximately how many employees did you have under you in that position?

Mr. EHRLICH. I believe there were rather few. Perhaps as many as 10 or 20. But I am not quite sure because there was a paper distinction between OPA and the Sugar Rationing Administration of the Department of Agriculture, so that I believe it occasioned the filling out of papers and applications and things of that kind; there was, in fact, a rather gradual tapering off of Office of Price Administration activities. We occupied the same offices and carried on the same work while the agency was terminated. So all of these activities came down to naught in the end. I think, but I am not sure, that during the period of which you speak, there were only, perhaps, 10 or 20 people in that particular division.

Mr. WILLIS. You were transferred from OPA to the Sugar Rationing Administration in the Department of Agriculture?

Mr. EHRLICH. That is right, sir. I believe it was.

Mr. WILLIS. Did I understand you to say that although you were transferred from OPA to the Sugar Rationing Administration, you still occupied the same physical space that you occupied as an OPA employee?

Mr. EHRLICH. I believe we did, yes. Just a moment. There was, toward the end of OPA, a change in locale. OPA was at one time in a building not too far from here, a large office building. For the last part of its existence, I believe it was in a temporary Navy building down near the Reflecting Pool. It could be that the move to that building took place at the time the change in jurisdiction of the agency took place, but I think not. I don't know.

Mr. WILLIS. Am I correct in assuming that you did not come in too close contact with the regular employees of the Sugar Rationing Administration in the normal administration of the Sugar Act?

Mr. EHRLICH. No. We were the stepchildren of Agriculture and off in a distinct section with terminating duties, and our contact with the Sugar branch were intermittent and through the Solicitor's office. I did present matters to the Solicitor.

Mr. WILLIS. To the solicitor of the Sugar Rationing Administration?

Mr. EHRLICH. His title was—no, I believe he was a solicitor for more than the Sugar branch, but I am not quite sure what his scope was. He was a very dignified white haired gent whom you may remember, of Virginia origin, I believe, for a long time solicitor of the Department of Agriculture. I can't quite identify him.

Mr. WILLIS. Who was your superior, during the time you were with the Sugar Rationing Administration?

Mr. EHRLICH. I believe technically he was my superior at that point.

Mr. WILLIS. Then he had additional duties to monitor or police the sugar rationing program?

Mr. EHRLICH. I am quite sure he did.

Mr. WILLIS. But he was not a regular employee, as far as you know, of the Sugar Rationing Administration?

Mr. EHRLICH. I believe he was higher than the Sugar branch itself.

Mr. WILLIS. Do you remember his name?

Mr. EHRLICH. It slips my mind. He was well known as either the, or a, Solicitor of the Department of Agriculture.

Mr. WILLIS. I ask these questions, Mr. Chairman, because it so happens that I represent the largest sugar-producing district in the United States, and I wanted to know specifically—and I think I have developed sufficiently for my purpose—the connection of this witness' employment with the normal administration of the Sugar Act, and the regular employees with the Sugar division that still administers that act.

Mr. EHRLICH. Outside of the OPA aspects of that act, we had, let me say, nothing to do with it in OPA, outside of the temporary OPA provisions affecting sugar allocations.

Mr. WILLIS. Of course the sugar people were very much interested in the administration by OPA, too, but I was primarily directing my question as to the Sugar Rationing Administration. You cannot tell me the name of the attorney whom you regarded as your superior in that he was the solicitor in charge of prosecution or recommending prosecution? You say you cannot remember his name?

Mr. EHRLICH. I cannot remember. I will be glad to send it in to you, if I can think of it. It is one of those things that I can almost think of.

Mr. WILLIS. Did you, as Director of the Sugar Rationing Administration, have charge of the enforcement program, in the field offices throughout the United States, or only of the Washington office?

Mr. EHRLICH. I believe at the time that this occurred, and in those late stages, that I had nothing to do with field offices, but just with the termination of the affairs of the agency here. That was the primary job that remained.

(At this point Chairman Walter left the hearing room.)

Mr. WILLIS. I should ask you this question: Were any of your co-employees during the term of your employment in the Sugar Rationing Administration, known to you to have been Communists?

Mr. RABINOWITZ. Would you mind repeating the question?

Mr. EHRLICH. I am not sure of the question, and this is not in response to the question at the moment. I indicated that my acquaintance with employees in Agriculture other than with the Solicitor, who was above this, I believe, was practically nonexistent. I do not recall the name of a single employee in Agriculture proper in the Sugar branch. I don't know any. If I did know any, it was in the most casual employment sense, the manner which I have previously stated or defined as a casual knowledge of a person. There were offices in the Office of Price Administration that had working connections with sugar rationing, or the Sugar branch, but they were not the enforcement branch with which I was connected. They were the price branches, and the rationing branches, with which I had nothing to do.

Mr. WILLIS. While you were employed by OPA, did you have charge of the administration of the OPA rules regarding rationing of sugar?

Mr. EHRLICH. No, sir. That was under the—that was set up, determined, and the rules were issued by the Sugar Rationing Branch of OPA, which was in a different division altogether.

Mr. WILLIS. What were your duties with OPA prior to your transfer to the Sugar Rationing Administration, Agriculture Department?

Mr. EHRLICH. Those which I have indicated as chief investigator for setting up standards of training, recruitment and so forth.

Mr. WILLIS. That was part of enforcement?

Mr. EHRLICH. That was Enforcement, yes, sir. All investigation was a subdivision of Enforcement.

Mr. WILLIS. Then while you were employed with OPA, your duties did encompass or could have encompassed the administration by OPA so far as it affected sugar, as well as other commodities?

Mr. EHRLICH. Could have affected enforcement actions.

Mr. WILLIS. Do you recall any enforcement actions involving sugar that came under your direction, supervision, or control while you were with OPA?

Mr. EHRLICH. There were a number. I do not recall any individual case, but there were cases of counterfeited sugar-rationing stamps which my office pursued. We convicted a number of people of counterfeiting, and so forth.

Mr. WILLIS. That is all.

Mr. ARENS. I have one question, if you please, Mr. Chairman.

Was your employment in OPA or any agency of the Federal Government procured for you, directly or indirectly by any person known by you to have been a member of the Communist Party?

Mr. EHRLICH. No, sir.

Mr. MOULDER (presiding). The witness will be excused.

You may claim your witness fees from the clerk.

As directed by Chairman Walter open hearings of this committee will be recessed until 10 o'clock tomorrow morning. The committee will now go, into executive session to hear the testimony of additional witnesses.

(Whereupon, at 3:56 p. m. February 29, 1956 the committee recessed, to reconvene in open hearings at 10 a. m., March 1, 1956.)

(Present at the taking of the recess: Representatives Moulder, Willis, and Scherer.)

INVESTIGATION OF COMMUNIST INFILTRATION OF GOVERNMENT—PART 5

THURSDAY, MARCH 1, 1956

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 10:10 a. m., pursuant to recess, in the caucus room, Old House Office Building, Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Walter, Willis, Kearney, and Scherer.

Present at the convening of the session: The chairman, Representatives Kearney, and Willis.

Staff members present: Richard Arens, acting counsel, and Courtney E. Owens, investigator.

The CHAIRMAN. The committee will come to order.

Call your witness, please, Mr. Arens.

Mr. ARENS. Lawrence Raymond LaVallee, please.

Please remain standing a moment to be sworn.

The CHAIRMAN. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LAVALLEE. I do.

TESTIMONY OF LAWRENCE RAYMOND LAVALLEE, ACCOMPANIED BY COUNSEL, IRA GOLLOBIN

Mr. ARENS. Mr. LaVallee, the acoustics are poor. Will you kindly keep your voice up for us?

Please identify yourself by name, residence and occupation.

Mr. LAVALLEE. I am Lawrence Raymond LaVallee. I live at 147 West Louthers, Carlisle, Pa., and I am a college professor.

Mr. ARENS. In what college are you a professor?

Mr. LAVALLEE. Dickinson College.

Mr. ARENS. Where is that located?

Mr. LAVALLEE. Carlisle, Pa.

Mr. ARENS. And you are represented today by counsel?

Mr. LAVALLEE. Yes.

Mr. ARENS. Will counsel kindly identify himself for the record?

Mr. GOLLOBIN. Ira Gollobin, New York City.

Mr. ARENS. What courses do you teach in college?

Mr. LAVALLEE. A variety of courses in economics.

Mr. ARENS. Are you appearing today in response to a subpoena served upon you by the House Committee on Un-American Activities?

Mr. LAVALLEE. Yes.

Mr. ARENS. Mr. LaVallee, we have a rather narrow area in which we want to interrogate you, but we would like you to give us a very brief, succinct rundown of your personal background. First, where were you born and when?

Mr. LAVALLEE. December 3, 1913, Worcester, Mass.

Mr. ARENS. Give us a word, if you please, sir, about your formal education.

Mr. LAVALLEE. I finished high school in 1932 in that same city. I went to college in 1937. I received my A. B. at the University of Colorado in 1940. I received my masters degree at Indiana University in 1941. I went back to college in 1949 and received my Ph D. from Syracuse University, Syracuse, N. Y., in 1953.

Mr. ARENS. Kindly give us a brief comparable sketch of the employment you have had since you finished your formal education.

Mr. LAVALLEE. I finished my formal education in 1953.

Mr. ARENS. Give us a sketch, if you please, of the employments you have had.

Mr. WILLIS. Will the witness speak a little louder.

Mr. LAVALLEE. Since 1953?

Mr. ARENS. Yes. Where have you worked?

Mr. LAVALLEE. Mississippi Southern College, Hattiesburg, Miss., and at Dickinson College, Carlisle, Pa.

Mr. ARENS. Have you been an instructor in economics at the Indiana University?

Mr. LAVALLEE. I had an assistantship there. It might be considered a part-time instructorship.

Mr. ARENS. What year was that?

Mr. LAVALLEE. That was 1941 and 1942, I imagine.

Mr. ARENS. Have you ever been employed by the United States Government?

Mr. LAVALLEE.. Yes, I have.

Mr. ARENS. Please give us the dates of your employment and the agencies in which you were employed.

May I again request you to keep your voice up so that your testimony can be heard by the members of the committee.

Mr. LAVALLEE. This is 14 years ago. As much as I can recall, I was employed by the Lend-Lease Administration from about July 1942 to November 1942.

Mr. ARENS. Where?

Mr. LAVALLEE. I believe I was assistant economist in Washington, D. C.

Mr. ARENS. Proceed.

Mr. LAVALLEE. Then I transferred to the War Labor Board in December of that year, 1942, and worked with the War Labor Board in Denver, Colo. until I was——

Mr. WILLIS. The National War Labor Board?

Mr. LAVALLEE. Yes.

Mr. WILLIS. In Denver?

Mr. LAVALLEE. Denver, Colo., until I was inducted in the service in January of 1944.

Mr. ARENS. If you will pause there, what was your job with the National War Labor Board in Denver, Colo.?

Mr. LAVALLEE. Economist for the Non-ferrous Metals Division.

Mr. ARENS. During the course of your employment with the National War Labor Board in Denver, did you have occasion to know a person by the name of Herbert Fuchs?

Mr. LAVALLEE. I would like to claim the privilege of the fifth amendment.

Mr. ARENS. Why?

(The witness conferred with his counsel.)

Mr. LAVALLEE. I decline to discuss the reasons.

Mr. ARENS. Do you honestly apprehend that if you told this committee whether or not you have known a person by the name of Herbert Fuchs you would be supplying information which could be used against you in a criminal proceeding?

Mr. LAVALLEE. I plead the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question.

(The witness conferred with his counsel.)

Mr. LAVALLEE. It is possible.

Mr. ARENS. Are you now or have you ever been a member of the Communist Party?

Mr. LAVALLEE. I would like to plead the fifth amendment on the question.

Mr. ARENS. Who is Dr. William Edell, E-d-e-l-l?

Mr. LAVALLEE. I would like to plead the fifth amendment on that question.

Mr. ARENS. Dr. Edell is president of Dickinson College, is he not?

Mr. LAVALLEE. Yes.

Mr. ARENS. After you received your——

Mr. WILLIS. Is that where he is now instructing?

Mr. ARENS. Yes.

After you received your subpoena to appear before this committee, did you have a conversation with Dr. Edell?

(The witness conferred with his counsel.)

Mr. LAVALLEE. I would like to plead the fifth amendment on that question.

Mr. ARENS. Do you honestly apprehend that if you told this committee the truth as to whether or not you had a conversation with the president of the college by which you are employed, you would be supplying information which could be used against you in a criminal proceeding?

Mr. LAVALLEE. It might.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that after you were served a subpoena to appear before the House Committee on Un-American Activities, you did have a conversation with Dr. Edell, and that you told him, in effect, that you were not and had never been a member of the Communist Party, but that in your appearance before the House Committee on Un-American Activities, you would invoke the fifth amendment. Is that true or is that false?

Mr. LAVALLEE. I would like to plead the fifth amendment.

Mr. ARENS. You recognize, of course, that when you were having your conversation with Dr. Edell, and when you were denying Communist Party membership, you were not under oath, were you?

Mr. LAVALLEE. I would like to plead the fifth amendment on that question.

Mr. ARENS. You recognize, too, of course, that on this record, before this committee, at this time, you are under oath, and that if you deny your Communist Party membership or affiliation, and it is proven on you, you will be subject to the pains and penalties of perjury, is that correct?

Mr. LAVALLEE. I would like to plead the fifth amendment on that question.

Mr. ARENS. Do you propose, after you leave this committee and are released from the obligations of your oath, to step out in that hall or return to Dickinson College, and tell the doctor and tell the faculty, "Of course I am not a Communist, but I am not going to tell that witch-hunting committee that I was or was not a Communist," is that what you propose to do?

Mr. LAVALLEE. I would like to plead the fifth amendment on that question.

Mr. ARENS. Tell us the organizations with which you were allied while you were employed by the National War Labor Board in Denver.

Mr. LAVALLEE. I don't recall any organizations I did belong to.

Mr. ARENS. Did you belong to the Communist Party?

Mr. LAVALLEE. I plead the fifth amendment.

Mr. ARENS. Is that an organization?

Mr. LAVALLEE. I plead the fifth amendment on that question.

Mr. ARENS. Did you know a person in Denver by the name of Gerald J. Matchett, M-a-t-c-h-e-t-t?

Mr. LAVALLEE. I invoke the fifth amendment.

Mr. ARENS. Keep your voice up, please.

Mr. LAVALLEE. All right.

Mr. ARENS. With whom did you live when you were in Denver?

Mr. LAVALLEE. I plead the fifth amendment on that question.

Mr. ARENS. The truth is that you lived with your wife part of the time, did you not?

(The witness conferred with his counsel.)

Mr. LAVALLEE. I claim the fifth amendment.

The CHAIRMAN. You are directed to answer that question. Did you live with your wife part of the time while you were in Denver?

(The witness conferred with his counsel.)

Mr. LAVALLEE. All right. I lived with my wife part of the time.

The CHAIRMAN. What did you say?

Mr. LAVALLEE. Yes.

The CHAIRMAN. Why did you not answer the question when you were first asked?

(The witness conferred with his counsel.)

Mr. LAVALLEE. I have given it further thought.

Mr. ARENS. Who else, besides your wife, lived with you in Denver in the house which you rented or occupied?

Mr. LAVALLEE. The fifth amendment.

Mr. ARENS. What do you mean the fifth amendment?

Mr. LAVALLEE. I plead the privilege of the fifth amendment.

Mr. ARENS. What privilege?

Mr. LAVALLEE. The privilege not to answer questions that might tend to incriminate me.

Mr. ARENS. The truth is that you and your wife lived together with Gerald and Margaret Matchett at Denver, is that not a fact?

(The witness conferred with his counsel.)

Mr. LAVALLEE. I claim the privilege.

Mr. ARENS. I lay before you, Mr. LaVallee, a photostatic copy of a document entitled "Personnel Affidavit" with a signature appearing at the bottom of it, of L. Raymond LaVallee, and the date of this document is June 30, 1942. I ask you if you can identify that signature.

(Document handed to witness.)

(The witness conferred with his counsel.)

Mr. LAVALLEE. I would also like to plead the fifth amendment.

Mr. ARENS. Keep your voice up, please.

Mr. LAVALLEE. I would like to plead the fifth amendment.

Mr. ARENS. This document contains an affidavit that the affiant, who is L. Raymond LaVallee has never been a member of any organization that advocates the overthrow of the Government of the United States by force or violence. I put it to you as a fact, and ask you to affirm or deny the fact, that that is your signature to this document which I have just displayed to you, and that you did make that affidavit on June 30, 1942, which I have just recited.

(The witness conferred with his counsel.)

Mr. LAVALLEE. I claim the fifth amendment.

Mr. ARENS. Keep your voice up, please, Mr. LaVallee.

Mr. LAVALLEE. I claim the privilege of the fifth amendment.

Mr. ARENS. After you have been released from your oath here, do you propose when you get back to Dickinson College, to tell the board of directors, the regents, or the president, something other than what you have told us with respect to this personnel affidavit?

(The witness conferred with his counsel.)

Mr. LAVALLEE. I plead the fifth amendment on that question.

Mr. ARENS. I lay before you another photostatic copy of a document, entitled "United States Civil Service Commission, Declaration of Appointee," on which there is a signature of an L. Raymond LaVallee, of June 30, 1942. I ask you whether or not that is your signature at the end of the document.

(Document handed to witness.)

Mr. LAVALLEE. I would like to plead the privilege of the fifth amendment.

Mr. KEARNEY. I cannot hear the witness.

Mr. LAVALLEE. I would like to plead the fifth amendment.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that that is your signature to this document.

Mr. LAVALLEE. The same answer, I plead the fifth amendment.

Mr. ARENS. I now invite your attention to question No. 18 of this document, to which appears the answer "No" in handwriting after the question:

Are you a member of any Communist or German Bund organization or any political party or organization which advocates the overthrow of our Constitutional form of Government in the United States or do you have membership in or any affiliation with any group, association or organization which advocates, or lends support to any organization or movement advocating the overthrow of our Constitutional form of Government in the United States?

I ask you if you were the person who affixed the "No" answer after question, No. 18, which I have just read to you.

Mr. LAVALLEE. I claim the privilege of the fifth amendment.

Mr. ARENS. After you are released from your oath by this committee and return to Dickinson College and are confronted by the president and the board of regents of that institution do you propose to again assert, as you have asserted, that you are not now or you never have been a member of the Communist conspiracy?

Mr. LAVALLEE. I claim the privilege of the fifth amendment on that question.

Mr. ARENS. In other words, do you feel that if you told this committee the truth as to what you intend to do when you get back to that college with reference to your Communist Party membership, you would be supplying information which could be used against you in a criminal proceeding?

Mr. LAVALLEE. I claim the privilege of the fifth amendment on that.

Mr. ARENS. I respectfully suggest, Mr. Chairman, the witness be ordered and directed to answer that last question.

The CHAIRMAN. You are directed to answer the question.

(The witness conferred with his counsel.)

Mr. LAVALLEE. It is possible that I might.

Mr. ARENS. I invite your attention to a photostatic copy of a document, entitled "Application for Federal Employment," and the date of the application is November 17, 1942. I direct your attention specifically to a signature—to an affidavit which appears at the end of that document—a signature of a person known as L. Raymond LaVallee. I ask you if that is your signature.

(Document handed to witness.)

Mr. LAVALLEE. I claim the privilege of the fifth amendment.

Mr. ARENS. Do you honestly apprehend that if you would tell this committee whether or not that is your signature to this document you would be revealing information which could be used against you in a criminal proceeding?

Mr. LAVALLEE. I claim the privilege of the fifth amendment.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that the witness be ordered and directed to answer that question.

The CHAIRMAN. Yes; you are directed to answer that question.

Mr. LAVALLEE. It might.

Mr. ARENS. In this particular document which I have just laid before you, I invite your attention specifically to question No. 17:

do you advocate or have you ever advocated, or are you now or have you ever been a member of any organization that advocates the overthrow of the Government of the United States by force and violence. If so, give complete details, and so forth.

In the column opposite question 17, there is an "X" under "No." I ask you whether or not you are the person that affixed that "X" or caused it to be affixed in that column "No."

Mr. LAVALLEE. I claim the privilege of the fifth amendment.

Mr. ARENS. Do you honestly apprehend if you gave this committee a truthful answer to the question I just posed, you would be furnishing information which would be used against you in a criminal proceeding?

Mr. LAVALLEE. I claim the privilege of the fifth amendment.

Mr. ARENS. I respectfully request, Mr. Chairman, that the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question.

Mr. LAVALLEE. It might.

Mr. ARENS. What did you say you teach at Dickinson College?

Mr. LAVALLEE. Economics.

Mr. ARENS. How many students do you have in your class?

Mr. LAVALLEE. Altogether?

Mr. ARENS. Yes, those you enlighten on economic subjects.

Mr. LAVALLEE. About 80.

Mr. ARENS. What is the age group there? College, I take it they are freshmen, sophomores, juniors, seniors?

Mr. LAVALLEE. Sophomores to seniors.

Mr. ARENS. How long have you been teaching economics?

Mr. LAVALLEE. These courses? Ten years or so.

Mr. ARENS. In what schools have you been teaching for 10 years? Just enumerate the schools.

Mr. LAVALLEE. Toledo University, Toledo, Ohio.

Mr. ARENS. Give us the date on that. Were you a member of the Communist conspiracy when you were teaching at the University of Toledo?

Mr. LAVALLEE. I plead the fifth amendment on that question.

Mr. ARENS. Take the next school and the next date.

Mr. LAVALLEE. Excuse me. The first was Indiana University that you asked me about before. The second one was Toledo University. That was 1942. In 1947, I was teaching at Oregon State College, Corvallis, Oreg.

Mr. ARENS. Did you teach economics there?

Mr. LAVALLEE. I taught economics.

Mr. ARENS. Let us have the next school and the date.

Mr. LAVALLEE. The next one was Syracuse University, Syracuse, N. Y.

Mr. ARENS. What did you teach there?

Mr. LAVALLEE. I taught economics and statistics.

Mr. ARENS. Let us have the next school please.

Mr. LAVALLEE. The University of Wichita, 1951-53.

Mr. ARENS. What did you teach there?

Mr. LAVALLEE. Economics and statistics.

Mr. ARENS. Let us have the other schools and the dates.

Mr. LAVALLEE. I also mentioned Mississippi Southern College.

Mr. ARENS. Where is that located?

Mr. LAVALLEE. Hattiesburg, Miss.

Mr. ARENS. Doctor, would you kindly keep your voice up. We cannot hear you.

Mr. WILLIS. When was that?

Mr. LAVALLEE. 1953 to 1955.

Mr. ARENS. Is that a State university?

Mr. LAVALLEE. It is a State school.

Mr. ARENS. How did you happen to get that job?

Mr. LAVALLEE. I made application for it.

Mr. ARENS. Did you make a complete revelation to the authorities of that university, as you did to the Federal Government, respecting your background and activities and memberships?

Mr. LAVALLEE. I plead the fifth amendment on that question.

Mr. ARENS. In other words, if you told this committee the truth as to whether or not you have been lying to these various schools, in which you have been teaching economics, you would be supplying information which could be used against you in a criminal proceeding, is that correct?

Mr. LAVALLEE. I plead the privilege of the fifth amendment on that question.

Mr. ARENS. Continue with the schools in which you have been teaching.

Mr. LAVALLEE. The last one is the Dickinson College, at Carlisle, Pa., where I am presently employed.

Mr. ARENS. To your knowledge has your disassociation from any of these universities, schools, or colleges, with which you have been identified, been occasioned by any question respecting your memberships in any organizations?

(The witness conferred with his counsel.)

Mr. LAVALLEE. It wasn't.

Mr. ARENS. Mr. Herbert Fuchs testified before this committee that while he was in the employ of the National War Labor Board in Denver, Colo., sometime between 1943 and 1945, he knew you as a member of the Communist conspiracy. Was Mr. Fuchs lying or was he telling the truth?

Mr. LAVALLEE. I plead the privilege of the fifth amendment.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that you were a member of the Communist conspiracy in Denver, Colo., at this period, between 1943 and 1945, while you were employed by the National War Labor Board.

Mr. LAVALLEE. I claim the privilege of the fifth amendment.

Mr. WILLIS. Was that a Communist cell composed of Government employees? Will you develop that? Did Mr. Fuchs so testify?

Mr. ARENS. Yes, Mr. Willis.

Mr. Fuchs' testimony was that there were cells of the Communist conspiracy here in Washington, and that after he, Fuchs, subsequently was engaged by the National War Labor Board at Denver, Colo., he became affiliated then, I believe, with two cells. At least, he gave the identification of persons who, to his certain knowledge, were members of the Communist conspiracy at Denver, Colo., including Dr. LaVallee.

During the course of your employment at the National War Labor Board in Denver, did you know a person by the name of Philip Reno?

Mr. LAVALLEE. I plead the fifth amendment.

Mr. ARENS. Did you know a person by the name of John W. Porter?

Mr. LAVALLEE. I plead the fifth amendment.

Mr. ARENS. Did you know a person by the name of Margaret Bennett Porter?

Mr. LAVALLEE. I plead the fifth amendment.

Mr. ARENS. Did you know a person by the name of Mr. Martin Kurasch?

Mr. LAVALLEE. I plead the fifth amendment.

Mr. ARENS. Did you know a person by the name of Lillian Kurasch?

Mr. LAVALLEE. I plead the fifth amendment.

Mr. ARENS. Did you know a person by the name of Edward Scheunemann?

Mr. LAVALLEE. I plead the fifth amendment.

Mr. ARENS. Did you know his wife, Cecelia Scheunemann?

Mr. LAVALLEE. I plead the fifth amendment.

Mr. ARENS. Did you know a person by the name of Gerald Matchett?

Mr. LAVALLEE. I plead the fifth amendment on that question.

Mr. ARENS. What was your relationship with Gerald Matchett? Would you tell this committee?

Mr. LAVALLEE. I plead the fifth amendment on that question.

Mr. ARENS. Why?

(The witness conferred with his counsel.)

Mr. LAVALLEE. I decline to give the reason for my exercise of the privilege.

Mr. ARENS. Did you know a person by the name of Margaret Matchett?

Mr. LAVALLEE. I plead the fifth amendment on that question.

Mr. ARENS. How about Dwight Spencer?

Mr. LAVALLEE. I plead the fifth amendment on that.

Mr. ARENS. And Mary Spencer?

Mr. LAVALLEE. The same.

Mr. ARENS. Did you know a person by the name of Don Plumb?

Mr. LAVALLEE. I plead the fifth amendment on that.

Mr. ARENS. Did you know a person by the name of Arlyne Plumb?

Mr. LAVALLEE. I plead the fifth amendment on that.

Mr. ARENS. I put it to you as a fact, that each and every one of the persons whose names I have just read to you were comembers with you in a Communist Party conspiracy at Denver, Colo., between 1943 and 1945, and ask you to affirm or deny it.

Mr. LAVALLEE. I plead the fifth amendment on that question.

Mr. WILLIS. Those were Government employees, is that correct, Mr. Counsel? Those persons whom you have named were Government employees at that time?

Mr. ARENS. Yes, sir, under sworn testimony.

As a professor and as a doctor who has taught in several universities, I wonder if you could tell us where Gerald Matchett might be. He was likewise a professor, was he not?

Mr. LAVALLEE. I claim the privilege of the fifth amendment on that, on both of those questions.

Mr. ARENS. Where were you during the war?

Mr. LAVALLEE. In the United States.

Mr. ARENS. Were you taken into the armed services?

Mr. LAVALLEE. Yes.

Mr. ARENS. Where did you spend most of your time during your service?

Mr. LAVALLEE. I guess most of it at Camp Lee, Va.

Mr. ARENS. What branch of the service were you in?

Mr. LAVALLEE. The Army Service Forces.

Mr. ARENS. I beg your pardon?

Mr. LAVALLEE. The Army Service Forces.

Mr. ARENS. Were you a member of the Communist conspiracy while you were in the Army Service Forces?

Mr. LAVALLEE. I plead the privilege of the fifth amendment.

Mr. ARENS. During the course of your service in the Army, did you engage in Communist conspiratorial activities?

Mr. LAVALLEE. I plead the fifth amendment on the question.

Mr. KEARNEY. Did you take an oath of allegiance to the United States Government when you entered the Armed Forces?

(The witness conferred with his counsel.)

Mr. LAVALLEE. Yes.

Mr. KEARNEY. You took the oath, is that right?

Mr. LAVALLEE. Yes.

Mr. ARENS. Mr. Chairman, that will conclude the staff interrogation of this witness.

The CHAIRMAN. Are there any questions?

Mr. WILLIS. No questions.

The CHAIRMAN. Mr. Kearney?

Mr. KEARNEY. How many students are there in Dickinson College?

Mr. LAVALLEE. At Dickinson?

Mr. KEARNEY. Yes.

Mr. LAVALLEE. It is a small college. There are about 850 students, I believe.

Mr. KEARNEY. And you teach economics in that college?

Mr. LAVALLEE. Yes.

Mr. KEARNEY. I have no further questions, Mr. Chairman, but to me this is a shocking exhibition of testimony of a professor who is teaching the youth of this country.

The CHAIRMAN. I do not think this is an isolated case.

There are no further questions, Mr. LaVallee.

Mr. ARENS. If you please, Mr. Chairman, the next witness will be Mr. Nathan Witt.

Please remain standing and be sworn.

The CHAIRMAN. Do you swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. WITT. I do.

Mr. ARENS. Mr. Chairman, I should like, for the purpose of the record, to state that the present witness has been repeatedly identified by such persons as Whittaker Chambers, Lee Pressman, and Louis Budenz as a person who was a member of the Communist Party; that he, himself, has been on several occasions interrogated by congressional committees, both on the House and on the Senate side. For that reason, the interrogation of this witness will be confined to a rather narrow scope, bearing upon the issues and the facts which have thus far been developed in this particular series of hearings by the committee. We want to avoid so far as possible unnecessary duplication.

TESTIMONY OF NATHAN WITT, ACCOMPANIED BY COUNSEL, CHARLES E. FORD

Mr. WITT. Mr. Chairman, if I may, I have a very short statement here I would like to read before I am questioned.

The CHAIRMAN. You may leave the statement. We will examine it and determine whether or not we will make it a part of the record. Under the rules, as you know, statements should be submitted before the hearing.

Mr. ARENS. Are you Nathan Witt?

Mr. WITT. I am.

Mr. ARENS. Are you appearing today before the House Committee on Un-American Activities in response to a subpoena which was served upon you?

Mr. WITT. I am.

Mr. ARENS. Are you represented by counsel?

Mr. WITT. I am.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. FORD. Charles E. Ford, 401 Third Street NW., Washington, D. C.

Mr. ARENS. Mr. Witt, please tell us under what other names you have been known during the course of your life?

Mr. WITT. I am sorry, Mr. Arens, I am not sure I quite understand your question.

Mr. ARENS. Have you ever had any aliases?

Mr. WITT. No.

Mr. ARENS. Has your name always been Witt?

Mr. WITT. That is a different question, Mr. Arens.

Mr. ARENS. The question, please, is: Has your name always been Witt?

Mr. WITT. Please explain that one, Mr. Arens.

Mr. ARENS. What other name have you had beside Witt?

Mr. WITT. Do you mean what other family name?

Mr. ARENS. Any name you have had beside the name Witt.

Mr. WITT. Mr. Chairman, I want to object to this question. I have been asked this question, if I understand it, on other occasions when I have appeared before congressional committees. I have objected on those occasions because I felt that the only purpose of the question is an anti-Semitic one and——

The CHAIRMAN. You know that is not true.

Mr. WITT. You just listen to me, Mr. Chairman.

The CHAIRMAN. I think it is a perfectly outrageous thing that you would attempt to hide behind a fine people. I never even knew what your religion was.

Mr. WITT. I didn't say you did, Mr. Chairman.

The CHAIRMAN. I know what you are talking about.

Mr. WITT. Will you listen to me?

The CHAIRMAN. No, I will not listen to you. You ought to be ashamed of yourself. You bring disrespect by a dishonest representation.

Proceed, Mr. Arens.

Mr. ARENS. Would you please, Mr. Witt, tell us the names which you have had in the course of your life?

Mr. WITT. Mr. Chairman, I will refuse to answer this question, and I think I am entitled to state for the record——

The CHAIRMAN. For what reason do you refuse to answer the question?

Mr. WITT. That is what I want to do.

The CHAIRMAN. The fifth amendment?

Mr. WITT. No.

The CHAIRMAN. That is the only reason that can be advanced. It is because of the Constitution.

Mr. WITT. If you will listen to me, Mr. Chairman——

The CHAIRMAN. No, I do not want to listen to you. I know too much about you.

Mr. WITT. Mr. Chairman, that is not fair on this question. I think I am entitled to state for the record in just one sentence——

The CHAIRMAN. Do you answer the question of whether or not you have ever gone under any other name?

Mr. WITT. No, I refuse to answer that, and I think I am entitled to state for the record why, Mr. Chairman.

The CHAIRMAN. No, you are not entitled to state the reason at all.

Mr. WITT. I think I am, in the exercise of my legal rights.

Mr. ARENS. Mr. Witt, would you please tell this committee——

Mr. WITT. Just a minute.

The CHAIRMAN. You refused to answer the question as to whether or not you ever masqueraded under another name, and you refuse to——

Mr. WITT. That is not true, Mr. Chairman. The reason I now take the position——

The CHAIRMAN. Did you ever use any other name?

Mr. WITT. My family did when I was a minor, and the reason I say that this question has anti-Semitic overtones is that it has absolutely nothing to do with the purposes for which this committee is empowered to conduct an investigation.

The CHAIRMAN. Never mind. You have answered the question.

Mr. WITT. Mr. Arens knows that, and he knows he has differences with me, that this question, my family name, has nothing to do with the powers this committee has. That is why I say the question has anti-Semitic overtones.

Mr. ARENS. We hope that you will bear over your righteous indignation with respect to people who have committed treasonable acts against this Government. We want you now to tell us, Mr. Witt, in this sense of indignation which you have evidenced before the committee, the names of people whom you employed while you were with the National Labor Relations Board.

Mr. WITT. May I have that question repeated, please?

(The reporter read from his notes as requested.)

Mr. WITT. I am sorry, I really don't understand that.

Mr. ARENS. Let us ask this question first, to help you along. During the period when you were Secretary of the National Labor Relations Board, did you have the responsibility for the staff hiring and firing?

Mr. WITT. I had the responsibility of making recommendations to the Board regarding the hiring and firing of people attached to the Office of the Secretary of the Board.

Mr. ARENS. Let us get the date, please, Mr. Witt. When were you Secretary of the National Labor Relations Board?

Mr. WITT. I was Secretary of the National Labor Relations Board from November 1937 until the end of 1940.

Mr. ARENS. Can you tell this committee, please, whether or not, during the course of your employment as Secretary of the National Labor Relations Board, you knew a person by the name of Herbert Fuchs?

Mr. WITT. Yes; I did.

Mr. ARENS. Did you have anything to do with the employment of Herbert Fuchs?

Mr. WITT. I don't remember. What I do remember is that Mr. Fuchs was never attached to the Secretary's office.

Mr. ARENS. Then you probably did not——

Mr. WITT. Before I was Secretary, I was Assistant General Counsel of the Board.

Mr. ARENS. I understand.

Mr. WITT. It is my recollection that while I was Assistant General Counsel I had something to do with the employment of Mr. Fuchs.

Mr. ARENS. Did you recommend his employment?

Mr. WITT. I have no independent recollection of that. I read Mr. Fuchs' testimony before this committee, and I have noted that he said I did. I am prepared to accept that in the absence of my own independent recollection.

Mr. ARENS. Did you recommend or have anything to do with the employment of a person by the name of Allan R. Rosenberg, either while you were Secretary or while you were Assistant General Counsel of the National Labor Relations Board?

Mr. WITT. I have no recollection of having anything to do with the employment of Mr. Rosenberg, while I was Assistant General Counsel, although I may have.

Mr. ARENS. Did you know him prior to the time that he became employed with the National Labor Relations Board?

Mr. WITT. I am not sure that I did, but it is probable that I did, because my recollection is that before Mr. Rosenberg was employed by the Board, he was on the staff of the Senate Civil Liberties subcommittee, with which the Board had relations. So it would be my guess, that is all that it is, because my recollection is not very clear, that I had met him before he came to the NLRB.

Mr. ARENS. Did you know a person——

Mr. WITT. Mr. Arens, I am sorry to take so long, but to complete that, I do recollect, though, that when I was Secretary, Mr. Rosenberg was a member of my staff.

Mr. ARENS. While you were with the National Labor Relations Board, did you have anything to do with the employment there of a person by the name of Martin Kurasch?

Mr. WITT. My recollection is clear as to Mr. Kurasch, that when I was Assistant General Counsel of the Board, I recommended Mr. Kurasch's appointment.

Mr. ARENS. And am I mistaken in my recollection from the testimony we have had the last several days, that Mr. Kurasch worked under your immediate supervision or close alliance with you in the Board?

Mr. WITT. He was a member of the so-called review staff when I was in charge of it as Assistant General Counsel, and then also I think he was attached to my staff for a while while I was Secretary.

Mr. ARENS. You were his supervisor, is that correct, or his superior in the echelons of the Board's employment system there?

Mr. WITT. Yes, while he was on the review staff and I was Assistant General Counsel, I was in charge of the review staff.

Mr. ARENS. During the course of your employment there, in these capacities with the National Labor Relations Board, did you have anything to do with the employment of Ruth Weyand Perry, or who was probably known at that time as Ruth Weyand, W-e-y-a-n-d?

Mr. WITT. I have no recollection of that, Mr. Arens. My best recollection is that Miss Weyand was never employed in the Review Sec-

tion, of which I was in charge. I think she was employed in the Litigation Section, with which I had nothing to do.

Mr. ARENS. To clear this record, Mr. Witt, when you were Secretary of the Board, your recommendations on hiring and firing, as I understand it, did not extend into the legal staff of the Litigation Section?

Mr. WITT. That is correct.

Mr. ARENS. In the course, at least, of your official duties?

Mr. WITT. That is correct.

Mr. ARENS. Did you have anything to do with the employment of Joseph R. Robison, R-o-b-i-s-o-n?

Mr. WITT. My recollection is not too clear on that, but my best guess would be that Mr. Robison joined the Review Section while I was Assistant General Counsel.

Mr. Chairman, may I say that I keep saying that my best recollection is because we are talking about events that took place almost 20 years ago.

The CHAIRMAN. That is all we expect, the best of the witness' recollection.

Mr. WITT. I keep saying it, and that is why I want to emphasize that all of this took place 20 years ago and had to do with hundreds of people.

Mr. ARENS. Did you have anything to do in like manner with the employment of David Rein, R-e-i-n?

Mr. WITT. I have no recollection of that. On that one, I wouldn't even care to guess.

Mr. ARENS. Woodrow Sandler, S-a-n-d-l-e-r?

Mr. WITT. My best recollection is that I recommended his employment when I was Assistant General Counsel.

Mr. ARENS. And Jacob H. Krug, K-r-u-g?

Mr. WITT. The same answer as to Mr. Krug, although it is more of a guess in his case.

Mr. ARENS. Mortimer Riemer, R-i-e-m-e-r?

Mr. WITT. No. I would be quite certain that while I was Assistant General Counsel I had nothing to do with Mr. Riemer's employment. I have heard his testimony about his interview with me when I was Secretary. But, as you know, he testified that I did not recommend him for employment when I was Secretary.

Mr. ARENS. John W. Porter?

Mr. WITT. I have no recollection of Mr. Porter.

Mr. ARENS. Allen Heald, H-e-a-l-d?

Mr. WITT. I put Mr. Heald in the same category as I put Miss Weyand. I think he was employed on the staff in the Litigation Section of the Board.

Mr. ARENS. Frank Donner?

Mr. WITT. I think I would give the same answer as to Mr. Donner. I don't think he was employed in the Review Section, although on this one I might be wrong.

Mr. ARENS. Harry Cooper?

Mr. WITT. He is just a name to me. I remember the name. I read it in the testimony of one of the other witnesses.

Mr. ARENS. Edward Scheunemann?

Mr. WITT. I have no recollections of Mr. Scheunemann, although if I were to guess, I would say he was in the Review Section when I was Assistant General Counsel.

Mr. ARENS. Bertram Diamond?

Mr. WITT. I think he was in the Litigation Section.

Mr. ARENS. Can you help this committee by telling us whether or not you know if Ruth Weyand, also known as Ruth Weyand Perry is, or has been a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. WITT. Mr. Chairman, I have two objections I would like to make to the question on which I would like you to rule. The first——

The CHAIRMAN. You know you do not object to questions before a congressional committee. You refuse to answer. You know that, because of your experience before various congressional committees. Do you refuse to answer the question?

Mr. WITT. From my experience with congressional committees, Mr. Chairman, it is my impression that aside from——

The CHAIRMAN. I do not care about your impressions. Do you answer the question, or do you not? I know, of course, what your impression is of this committee.

Mr. WITT. I don't care to get into that.

The CHAIRMAN. What is your answer? Do you refuse to answer the question?

Mr. WITT. Just let me say this——

The CHAIRMAN. Do you refuse to answer the question?

Mr. WITT. Yes. If I get a ruling from the Chair——

The CHAIRMAN. All right, you refused to answer the question.

Mr. WITT. Do I have a ruling from the Chair?

The CHAIRMAN. You have the ruling that witnesses are here not in a trial but they are here because the committee has a job to perform, the job in this instance being to ascertain how so many Communists were placed by you in an agency of the Government. You have been asked a very simple question. What is the answer to the question?

Mr. WITT. I think the question is objectionable, because the committee has no power to ask the question.

The CHAIRMAN. You are not going to object; are you going to refuse to answer the question?

Mr. WITT. I think I am entitled to make my record, Mr. Chairman. I think the question is improper also because it violates my rights under the first amendment.

The CHAIRMAN. Then you refuse to answer the question because of the first amendment?

Mr. WITT. Yes.

The CHAIRMAN. Proceed.

Mr. WITT. Have you ruled on that objection?

The CHAIRMAN. I am not ruling on objections. You have objected and that is that. You have given as your reason the first amendment.

Mr. WITT. In the absence of a ruling from the chairman on those objections, I will refuse to answer the question on the grounds that under the fifth amendment I may not be compelled to be a witness against myself.

The CHAIRMAN. In a criminal proceeding.

Mr. WITT. I prefer my own formulation.

The CHAIRMAN. You can put your own formulation, but that is not the Constitution.

Mr. WITT. Mr. Chairman, do you want to debate that in some other context?

The CHAIRMAN. I would not debate the time of day with you, Mr. Witt.

Mr. WITT. All right.

Mr. ARENS. Do you honestly apprehend that if you told this committee of the Congress the truth as to whether or not, to your knowledge, Ruth Weyand Perry was ever a member of the Communist Party you would be supplying information which could be used against you in a criminal proceeding?

Mr. WITT. I will debate that question with you, Mr. Arens, but I see no reason why I have to answer that question.

Mr. ARENS. I respectfully suggest, Mr. Chairman, that this witness be ordered and directed to answer the question.

The CHAIRMAN. You are directed to answer the question.

It would be, Mr. Arens, of great interest to me and to other members of the great Democratic Party that was responsible for all of this enlightened legislation, to find out how people of this sort got their positions when those of us who created these agencies were unable to find positions for very meritorious people.

Mr. ARENS. I would only respond to the chairman's observation by saying I do not anticipate that that information would be forthcoming from the witness presently under oath before the committee.

Mr. WITT. I will go into that question. I know about that. I will be delighted to discuss the question that the chairman raised.

Mr. ARENS. Was your employment with the National Labor Relations Board occasioned by any person known to you to have been a member of the Communist conspiracy?

Mr. WITT. That is not the question.

The CHAIRMAN. That is the question that has been asked.

Mr. WITT. Is Mr. Walter interested in patronage given by the Democratic Party?

The CHAIRMAN. I will find out about that myself, in my own way. Just answer Mr. Arens' question.

Mr. WITT. The record of the NLRB demonstrates——

Mr. ARENS. Tell us whether or not your employment with the National Labor Relations Board was occasioned by a person known by you to have been a member of the Communist conspiracy.

Mr. WITT. No.

Mr. ARENS. It was not?

Mr. WITT. No.

Mr. ARENS. Tell us whether or not the employment of Allan Rosenberg was occasioned or recommended by a person who was a member of the Communist conspiracy.

Mr. WITT. No.

Mr. ARENS. Did you not just tell us that you recommended Allan Rosenberg?

Mr. WITT. I misunderstood your question. I thought you were asking in terms of Mr. Walter's suggestion.

Mr. ARENS. We just want the facts.

Mr. WITT. So do I. I am under oath here, and you will get nothing but facts from me, except when I refuse to answer your improper questions.

Mr. ARENS. You give only facts to congressional committees; is that correct?

Let us pursue that a moment. Do you give only facts to congressional committees?

Mr. WITT. Mr. Walter asked about patronage.

The CHAIRMAN. I did not ask anything at all. I made a statement, and that is that.

Go ahead, Mr. Arens.

Mr. WITT. Nobody was employed by the NLRB except on his merits, and the record of the NLRB demonstrates that.

The CHAIRMAN. Having seen some of the employees, I question that statement.

Mr. WITT. Do you know the work of the NLRB during that period?

Mr. ARENS. At the time you recommended these people, Rosenberg, et al, for employment, did you know they were members of the Communist conspiracy?

Mr. WITT. Mr. Rosenberg, everybody else employed by the Board, either on my recommendation or the recommendation of anybody else, was employed on his merits, and whether or not he was a member of what you, Mr. Arens, call the Communist conspiracy, is an improper question, and I respectfully decline to answer it on the same grounds I have already given.

Mr. ARENS. Was it coincidence, just happened—that the people whose names I have called off to you, whom you recommended for employment, have been identified as people who were in the Communist conspiracy? Is that just a coincidence?

Mr. WITT. It may just be a coincidence that you call Mr. Rosenberg a member of what you call the Communist conspiracy, when Mr. Rosenberg happened to be a very able lawyer who did an outstanding job with the NLRB which was what I and the other officials of the NLRB were interested in.

Mr. ARENS. On October 16, 1940, when you sent a letter to the Honorable Howard W. Smith, who was then chairman of the Special Committee To Investigate the National Labor Relations Board (this letter, of course, not being a sworn document, and this letter, of course, not being given in the course of sworn testimony) you wrote:

I do wish to go on record that I am not now nor have I ever been a member of the Communist Party, a Communist sympathizer, or one who hies to the Communist Party line.

Was that in 1940, that you sent that letter to Congressman Smith?

Mr. WITT. Mr. Arens, and members of the committee, I testified under oath before Mr. Smith's committee, and answered all the questions that were put to me. So I think Mr. Arens' implication in the introductory part of his question is improper.

Mr. ARENS. Is it unfair for me to even imply that you were telling the truth, is that what you are trying to say, when you wrote to Congressman Smith and told him that you were not and never had been a member of the Communist conspiracy?

Mr. WITT. What I am saying, Mr. Arens, is that it is unfair of you, and typically unfair, to try to examine the work, the work of hundreds of other people, which was done 15 and 20 years ago, in the effectuation of these very fine acts passed by the Congress in this kind of context.

Mr. ARENS. Now would you please answer the question? Did you lie to Representative Smith in your letter of October 16, 1940. Did you lie to him in this letter when you told him you had never been a member of the Communist Party, never had been even a Communist sympathizer?

Mr. WITT. Mr. Arens, you know that I will refuse to answer such questions whether they are put directly or indirectly, for the grounds I have already given.

Mr. ARENS. Of course I knew it, but I wanted this record to reflect that.

Mr. WITT. You have had it before, Mr. Arens. I do not see that this committee is serving a legislative purpose by going through this again. I have been before this committee, I think, on 3 other occasions, before the Senate committee on 3 occasions, and I have been asked the same questions. I think the committee is wasting the taxpayers' money in pursuing improper powers, and violating the first amendment. And it is distorting history.

Mr. ARENS. Mr. Chairman, that will complete the interrogation of this witness. As I have said, the record is replete with testimony of him and about him.

The CHAIRMAN. Are there any questions?

Mr. WILLIS. No.

Mr. KEARNEY. No.

Mr. FORD. In response to the permission you gave, this is the statement we wish to file.

(Document handed to chairman.)

The CHAIRMAN. Have you copies for the other members?

Mr. FORD. Yes, I have.

The CHAIRMAN. The witness is excused.

Have you another witness, counsel?

Mr. ARENS. Yes.

The CHAIRMAN. The committee will stand in recess for 5 minutes.

(Present at the taking of the recess: the chairman, Representatives Kearney and Willis.)

(Brief recess.)

(Present at the convening of the committee after the taking of the recess: The chairman and Representative Kearney.)

The CHAIRMAN. Call your witness.

Mr. ARENS. Mr. Edwin S. Smith.

Please remain standing and be sworn.

The CHAIRMAN. Do you swear the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SMITH. I do.

TESTIMONY OF EDWIN S. SMITH, ACCOMPANIED BY COUNSEL, GERHARD P. VAN ARKEL

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. SMITH. Edwin S. Smith, 107 State Street, Brooklyn, and I am a businessman.

(At this point, Representative Willis entered the hearing room.)

Mr. ARENS. What is the nature of your business?

Mr. SMITH. I operate a news photograph agency. I am also a literary and music agent.

Mr. ARENS. By literary agent, you are agent for what purpose? I don't quite understand.

Mr. SMITH. I represent authors in terms of the translation and publication rights of their books. In other words, I represent foreign authors whose books in translation may be published in this country.

Mr. ARENS. What foreign authors do you represent?

Mr. SMITH. I represent the Soviet authors, both writers of fiction and nonfiction, scientific writers.

Mr. ARENS. Are you registered under the Foreign Agents Registration Act?

Mr. SMITH. I am.

Mr. ARENS. What is the name under which you are registered in the Foreign Agents Registration Act?

Mr. SMITH. Edwin S. Smith.

Mr. ARENS. Is the firm also registered, Mr. Smith?

Mr. SMITH. That is correct, whatever is required by the form has been carried out.

Mr. ARENS. What firm is registered? You are registered as an individual under the Foreign Agents Registration Act?

Mr. SMITH. That is correct.

Mr. ARENS. What is the name of the firm that is registered?

Mr. SMITH. I am the firm. I have certain trade names, but I am the business.

Mr. ARENS. Give us the trade names.

Mr. SMITH. The Am-Russ Literary and Music Agency.

Mr. ARENS. Is that registered?

Mr. SMITH. Yes. The only reason I am hesitating on this is that it is reported in whatever form it is required to be reported into the Department of Justice. It is not separately incorporated. This is simply a trade name, given me with the approval of the county of New York.

Mr. ARENS. You, as an individual, are registered as the agent of a foreign power, is that correct?

Mr. SMITH. I am registered as the agent of the principals whom I represent in foreign countries.

Mr. ARENS. Under the Foreign Agents Registration Act?

Mr. SMITH. Correct.

Mr. ARENS. Under the provisions of the Foreign Agents Registration Act, one who is the agent in the United States of a foreign principal is required not only to register, but to label any political propaganda which he disseminates or causes to be disseminated in this Nation.

Mr. SMITH. That is correct.

Mr. ARENS. Do you cause any such political propaganda to be labeled?

Mr. SMITH. Oh, yes.

Mr. ARENS. What do you cause to be labeled as political propaganda?

Mr. SMITH. I cause the news photographs which I distribute to various customers in the United States, to be labeled with whatever form is required by the Department of Justice.

Mr. ARENS. Where do you get these photographs?

Mr. SMITH. I get them through the mail, for the most part.

Mr. ARENS. What is the place of origin of these photographs?

Mr. SMITH. Various countries.

Mr. ARENS. Tell us the names of the countries.

Mr. VAN ARKEL. Mr. Chairman, I wonder if I might interrupt? The witness testified on May 21, 1953, before the Senate Committee on the Judiciary, at very considerable length, and with specific reference to the matters about which he is now being interrogated, I would like to suggest that, to save the time of the committee and of all of us, perhaps the committee might incorporate that testimony given before the Senate committee in its own record, in order that it will have it complete.

The CHAIRMAN. If it is possible, that might be proper.

Mr. ARENS. I do not propose to go into any exhaustive searching with reference to these operations, but I do feel we are right on the brink of some information which helps establish some of the activities of the witness who is presently before us.

The CHAIRMAN. Try to avoid any repetition.

Mr. VAN ARKEL. Perhaps for the record I might put in these citations.

Mr. ARENS. We have them. I am familiar with the work of the Senate committee.

From what countries, Mr. Smith, do you receive this political propaganda, which you label as foreign political propaganda, pursuant to the Foreign Agents Registrations Act?

Mr. SMITH. I am a little bit concerned as to whether the manner of phrasing the question represents accurately what the label says, but I would like it understood that the material, the photographs I speak of, are labeled in accordance with the regulations of the Department of Justice.

Mr. ARENS. Tell us where you get them.

Mr. SMITH. I don't think the photographs are labeled political propaganda, because that is not what is required.

Mr. ARENS. Tell us from what countries you get them.

Mr. SMITH. I get photographs from the Soviet Union, I get them from China, I get them from Czechoslovakia, from Hungary, from Poland. I believe that is all. Mr. Chairman, may I consult this reference that counsel has given me?

Mr. ARENS. You get them principally from behind the Iron Curtain, or entirely, I take it, from behind the Iron Curtain?

Mr. SMITH. I get them also from Germany, from East Germany. I get them from the countries that I have named.

Mr. ARENS. I apologize to counsel. We forgot to ask counsel to identify himself for the record. Would you kindly do so?

Mr. VAN ARKEL. My name is Van Arkel. My first name is Gerhard. My address is 1701 K Street NW.

Mr. ARENS. Do you also, Mr. Smith, import and distribute films?

Mr. SMITH. No, I do not.

Mr. ARENS. With that background of identification as to your present occupation, would you kindly give us a succinct rundown of your personal background? Where were you born?

Mr. SMITH. I was born in Massachusetts.

Mr. ARENS. When?

Mr. SMITH. 1891.

Mr. ARENS. Where were you educated?

Mr. SMITH. I was educated in the high school in Massachusetts, Brookline High School, and I was educated also briefly in Connecticut, as a young person, where my family lived for a time. Then I attended Harvard University. I obtained an A. B. degree there.

Mr. ARENS. In what year did you obtain your degree?

Mr. SMITH. 1915.

Mr. ARENS. Did that complete your formal education?

Mr. SMITH. That did.

Mr. ARENS. Give us, if you please, sir, in comparable form, a sketch of the employment that you had after you completed your formal education. Disregard any little messenger jobs or anything of that character that a youngster might have had.

Mr. SMITH. I am glad to do that, Mr. Counsel. I will call to your attention, also, as my counsel has done previously that this matter was gone into extensively in the hearings before the Senate Judiciary Committee, and also in Who's Who, at that time, which assisted my recollection.

Mr. ARENS. This is just for background purposes, a skeleton form.

Mr. SMITH. My first important job, I would say, after I left college, was as a newspaperman. I was the editor for a period of a local newspaper or, rather, assistant editor, in the town where I was brought up, namely Brookline, Mass., and, thereafter, I was employed in other papers, the Springfield Republican and the Hartford Times.

After that newspaper experience, which lasted 2 or 3 years, I engaged in various occupations. I am not going to attempt to list them chronologically, because I am not quite too sure.

I was a research person in the field of personnel for the Dennison Manufacturing Co., in Framingham, Mass. I was for 3 years on the staff of the Russell Sage Foundation, in New York.

Mr. ARENS. Could you pause there and tell us the capacity in which you served in that foundation?

Mr. SMITH. Yes. I was a member of the staff of the so-called division of industrial studies, making studies at that time of employee representation plans in this country. This was the period shortly after the war. Then for a time I was employment manager at a department store in Boston, the Filene Department Store.

After that, I had the title of personnel assistant to one of the Filene brothers, who ran that store, that is, who were members of the firm.

My next position was that of Commissioner of Labor and Industries in the State of Massachusetts, a position which I held for 3 years.

Mr. ARENS. Give us the approximate date of that employment, please, sir?

Mr. SMITH. That would have been about 1930 to 1933. I am not sure it was not 1931 to 1934, because I came after that directly into employment by the Federal Government.

Mr. ARENS. Let us pick it up now when you started with the Federal Government, if you please, sir.

Mr. SMITH. That was in 1934, in the spring of 1934, I should say. I am not quite certain. I was first employed by the Federal Government as a member of the National Labor Relations Board, which was then administering section 7 (a) of the National Industrial Recovery Act. After the National Industrial Recovery Act was held unconstitutional and the so-called Wagner Act was passed, I became a mem-

ber of the National Labor Relations Board again, administering the Wagner Act.

Mr. ARENS. That gets us into what year? You started in 1934?

Mr. SMITH. I started in 1935. That is, I was an appointee to the first Board under the National Labor Relations Act, the Wagner Act, and then I served for 2 terms, an initial term of 1 year and a subsequent term of 5 years.

I ceased employment with the Board in 1941.

Mr. ARENS. From 1934 until 1941, you were identified as a Board member, either of the National Labor Relations Board administering the old 7 (a) section of the National Industrial Recovery Act, or the new Board, as a Board member?

Mr. SMITH. That is right.

Mr. ARENS. Pick up your occupation from 1941 on, very succinctly.

Mr. SMITH. My first position after leaving the Labor Board was as director of the oil workers organizing campaign of the CIO.

Mr. ARENS. And that employment began in 1942, or thereabouts?

Mr. SMITH. I am not sure whether it is 1941 or 1942. 1942, possibly.

Mr. ARENS. Where were you headquartered?

Mr. SMITH. My headquarters were, first, in Washington and later in Houston, Tex., and then briefly in New York.

Mr. VAN ARKEL. I do not want to interrupt, Mr. Chairman, but this is repetitive of what is in the record.

Mr. ARENS. He can cover it quickly.

What happened after 1942, when you were with the oil workers campaign?

Mr. SMITH. My next position was as director of the National Council of American-Soviet Friendship.

Mr. ARENS. That was what year?

Mr. SMITH. That was the position I held from 1942 until 1945. Then for a brief period I was engaged in an attempt to establish trade between Poland and the United States.

Mr. ARENS. I didn't get the name of the organization.

Mr. SMITH. I didn't name any organization. I said for a brief period thereafter, about a year or so, I was engaged in an attempt to establish a business of trading between the United States and Poland, having to do, specifically, with the importation of Polish goods into this country.

Mr. ARENS. What goods were you going to import?

Mr. SMITH. Chinaware. I was going to and did import.

Mr. ARENS. Did you create a corporation or a business of your own?

Mr. SMITH. No. I was employed for that purpose by a company which was engaged in international trade.

Mr. ARENS. What is the name of the company?

Mr. SMITH. That was called the Rogers International Co.

Mr. ARENS. How long were you engaged in promoting trade between these two countries?

Mr. SMITH. A little over a year.

Mr. ARENS. That would take you up to about 1946 or 1947?

Mr. SMITH. Yes, that would take me up to about 1947, I think.

Mr. ARENS. Proceed.

Mr. SMITH. Then I became a teacher at the Putney School, in Vermont.

Mr. ARENS. Is that a college?

Mr. SMITH. No, that is a private preparatory school.

Mr. ARENS. What did you teach?

Mr. SMITH. I taught history.

Mr. ARENS. That was about 1948?

Mr. SMITH. That would have been—yes, 1948–49, maybe a little in 1947. I am not sure about these dates.

Thereafter I became director of the national teachers division of the United Public Workers of America.

Mr. ARENS. Was that a full-time occupation?

Mr. SMITH. That was.

Mr. ARENS. Was Abram Flaxer president of the United Public Workers at that time?

Mr. SMITH. Yes, he was.

Mr. ARENS. Was Abram Flaxer your immediate superior?

Mr. SMITH. Mr. Chairman, that is rather difficult to say. I don't think that he was. I had my headquarters with the Teachers Union of New York, that is, I had my headquarters in that building, which was the largest local of the United Public Workers, the largest local of teachers. I suppose my ultimate responsibility was to Mr. Flaxer or to the board of the United Public Workers, but for the most part I worked very closely with the actual teachers themselves.

Mr. ARENS. Only for further identification, I want to be sure that is Flaxer's union.

Now let us proceed. What was your next occupation?

Mr. SMITH. My next occupation is the one I presently hold. I became agent, as I have described, in February 1952. I might add that the agency itself has been in existence for about 20 years.

Mr. ARENS. During the course of your membership from 1934 to 1941 on the National Labor Relations Board, tell us how many other Board members there were? How many were there in total?

Mr. SMITH. That would require a little thought.

Mr. ARENS. I don't mean how many individual persons occupied posts in the Board. What was the membership?

Mr. SMITH. There were three members of both boards. In the case of each board, the membership was three.

Mr. ARENS. A maximum of three. So you were one-third of the Board, is that correct?

Mr. SMITH. That is correct.

Mr. ARENS. During the course of your membership on the National Labor Relations Board, did you know a person by the name of Louis Budenz?

Mr. SMITH. Did I know him?

Mr. ARENS. Yes, sir.

Mr. SMITH. No, I did not.

Mr. ARENS. Did you know him at any time?

(The witness conferred with his counsel.)

Mr. SMITH. Mr. Arens, the individual you have mentioned has testified about me before congressional committees and other governmental bodies quite falsely. It is for that reason that I refuse to answer any further questions about my supposed knowledge of Mr. Budenz, on the ground that I think it might tend to force me to testify against myself.

Mr. ARENS. Was Louis Budenz telling the truth when he told this committee that you were, while a member of the National Labor Relations Board, first of all under Communist discipline? Was Budenz telling the truth or was he lying?

Mr. SMITH. I make the same answer as the grounds for my refusal to answer that question.

Mr. ARENS. While you were a member of the National Labor Relations Board, were you under Communist discipline?

Mr. SMITH. Again I decline to answer for the same reason I have given.

Mr. ARENS. While you were a member of the National Labor Relations Board, were you also a member of the Communist Party?

Mr. SMITH. The same answer for the same reason.

Mr. ARENS. During the course of your service on the National Labor Relations Board, did you know a person by the name of Allan Rosenberg?

Mr. SMITH. I did.

Mr. ARENS. Do you know whether or not he was a member of the Communist Party?

Mr. SMITH. I decline to answer that for the same reason already given.

Mr. ARENS. Did you have anything to do with the employment of Allan Rosenberg?

Mr. SMITH. No more than I had to do with the employment of all persons on the staff of the Board.

Mr. ARENS. Did you vote for his employment?

Mr. SMITH. All of the persons appointed by the Board were literally appointed by the Board. So I voted for everybody who became a member of the staff.

Mr. ARENS. Did you know of him prior to the time of his employment?

Mr. SMITH. I have no recollection that I knew him before.

Mr. ARENS. Do you know whether or not he was recommended to you by Nathan Witt?

Mr. SMITH. Mr. Arens, there was no recommendation by individual members of the staff for the employment of new members of the staff, to the best of my recollection. All of the lawyers employed, certainly, were employed, as I recall it, specifically by the recommendation of the General Counsel to the Board. What went on prior to that recommendation of General Counsel, I have no knowledge of.

Mr. ARENS. What post did Nathan Witt occupy with the National Labor Relations Board during these several years when you were one-third of the membership of the Board?

Mr. SMITH. He was, during part of the time, on the second National Labor Relations Board, he was the head of the review staff of lawyers. I think the title was Assistant General Counsel. Then he became Secretary of the Board. I have no recollection of what his position was on the first National Labor Relations Board.

Mr. ARENS. While you were a member of the National Labor Relations Board, was one of the Pressman boys identified with the Board?

Mr. SMITH. One of the Pressman boys?

Mr. ARENS. Yes, sir.

Mr. SMITH. I recall no such name.

The CHAIRMAN. Was Lee Pressman?

Mr. SMITH. Lee Pressman was never connected with the National Labor Relations Board.

Mr. ARENS. Lee Pressman was connected with Nathan Witt. He has testified about that.

Can you tell us, whether or not, while you were a member of the National Labor Relations Board, you knew Nathan Witt as a Communist?

Mr. SMITH. I decline to answer that question on the grounds already stated.

Mr. ARENS. While you were a member of the National Labor Relations Board, did you consult with respect to your official duties on that Board, with persons known by you to be members of the Communist conspiracy?

Mr. SMITH. I again decline to answer on the same grounds.

Mr. ARENS. Do you mean to tell this committee of the Congress that if you would state truthfully whether or not, while you were one-third of the membership of the National Labor Relations Board, you consulted in your official duties with people known by you to be members of the Communist conspiracy, you would be supplying information which could be used against you in a criminal proceeding?

Mr. SMITH. My declination, Mr. Counsel, is based on the grounds I have already given.

Mr. ARENS. Do you apprehend that you would be supplying information which could be used against you in a criminal proceeding if you gave a full and complete and truthful answer to that question?

Mr. SMITH. I don't care to enter into a colloquy with counsel as to the reasons why I avail myself of this constitutional protection.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question.

(The witness conferred with his counsel.)

Mr. SMITH. I think answering that question might tend to put me in the position of being a witness against myself. For that reason, I decline to answer it.

Mr. ARENS. Do you feel it might be putting you in the position of giving information which could be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. SMITH. I would give the same answer.

Mr. ARENS. Then, Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question.

Mr. SMITH. I again refuse to answer that question under the constitutional protection which I have cited.

The CHAIRMAN. What crime do you think you might be charged with having committed if you answered the question?

(The witness conferred with his counsel.)

Mr. SMITH. I decline to answer that question.

Mr. ARENS. While you were a member of the National Labor Relations Board, did you take a trip to Russia?

Mr. SMITH. No, indeed.

Mr. ARENS. Did you, in 1945, take a trip to Russia?

Mr. SMITH. That is correct.

Mr. ARENS. What occasioned your trip to Russia in 1945?

Mr. VAN ARKEL. Mr. Chairman, may I again suggest that this matter was fully covered before the Senate committee. It is a matter of record before that committee.

The CHAIRMAN. I think if he answered the questions we would save time. It is very interesting to me, because I know nothing about the Senate hearing. I would like to know about it.

Mr. VAN ARKEL. I think the committee would save itself a good bit of time.

Mr. ARENS. I am sure the committee regards it as sufficiently important to take the time, Mr. Counsel.

Tell us what occasioned your trip to Soviet Russia in 1945.

Mr. SMITH. At that time, I was the director, as I stated previously, of the National Council of American-Soviet Friendship. I was invited to make a trip to the Soviet Union by an organization known as VOKS, which is a Soviet body for the promotion of cultural relations with foreign countries. I was asked there specifically in order to try to promote closer cultural relations between the Soviet Union and this country.

Mr. ARENS. Was Dr. Edward U. Condon with you on that trip?

Mr. SMITH. Dr. Condon was with me, but in a rather special relationship. Dr. Condon and other scientists were asked over to the Soviet Union to celebrate the anniversary of the Soviet Academy of Sciences. I made the trip with the scientists who were asked over in that capacity, but I, myself, was not asked by the Soviet Academy of Sciences and I was not, in that sense, part of the same trip.

Mr. ARENS. Could you identify Dr. Condon for us for this record and give us his full name?

Mr. SMITH. I don't know exactly what position Dr. Condon—

Mr. ARENS. What type of scientist was he?

Mr. SMITH. He was a physicist.

Mr. ARENS. Does he have anything to do with atomic energy, atomic research, the atomic bomb?

Mr. SMITH. May I consult counsel, Mr. Arens?

Mr. ARENS. Surely, at any time.

(The witness conferred with his counsel.)

Mr. SMITH. At the time, to the best of my recollection, I had no knowledge of Dr. Condon having any connection with the atomic bomb.

Mr. ARENS. He lived with you for a while, did he not?

Mr. SMITH. No; he didn't live with me. He spent one night in my apartment during the time before this group of scientists and myself went to the Soviet Union.

Mr. ARENS. Did he finally make the trip, or was he unsuccessful?

Mr. SMITH. He did not make the trip.

Mr. ARENS. Why didn't he make the trip?

Mr. SMITH. I would not like to go into that, Mr. Counsel, because I don't know enough about it.

Mr. ARENS. The truth is he was taken off the plane for security precautions, was he not?

Mr. SMITH. I have read that. Or something similar to it.

Mr. ARENS. Did you deliver a little message when you arrived in Russia or while you were in Russia on this trip?

Mr. SMITH. What do you mean by a little message?

Mr. ARENS. Greetings from a scientists' society here in the United States, to the National Council of Soviet Delegates in the Soviet Union?

Mr. SMITH. I have no recollection of delivering any such message.

Mr. ARENS. Did you deliver a message which reads as follows:

American scientists, members and friends of the American Soviet Science Society send hearty greetings and congratulations to their Soviet colleagues on the 220th anniversary of the great Soviet Academy. Your achievements in the conquest of nature have attributed to a great triumph over Fascists and tyranny, the enemies of scientists. American scientists are even now on their way to Moscow, bearing in person the greetings and good will of their colleagues. May we all go forward together, united in war, united in peace.

Did you deliver that message?

Mr. SMITH. That sounds as if it were a message sent prior to the trip I was on.

Mr. ARENS. Did you deliver the message I just read?

Mr. SMITH. I have no recollection delivering such a message.

Mr. ARENS. Did you deliver one substantially the same as that, or is that a misquotation of you?

Mr. SMITH. I don't even know whether the message you are reading bears my signature.

Mr. ARENS. When you were director of the National Council of American-Soviet Friendship, did you cause that message to be delivered, either orally, by mail, or by any other means, to the scientists in session in Moscow?

Mr. SMITH. I have no recollection of that, Mr. Counsel.

Mr. ARENS. During the course of your membership on the National Labor Relations Board, of which you were one-third of the Board, did you know a person by the name of Martin Kurasch?

Mr. SMITH. Yes; I knew Martin Kurasch.

Mr. ARENS. What was the nature of your acquaintanceship with him?

Mr. SMITH. He was a member of the legal staff. I knew him as I knew other members of the legal staff.

Mr. ARENS. Is that the only basis on which you knew him?

Mr. SMITH. To the best of my recollection.

Mr. ARENS. Did you know him as a Communist?

Mr. SMITH. I decline to answer that question on the grounds already given.

Mr. ARENS. Did you know a person by the name of Joseph B. Robison?

Mr. SMITH. I did.

Mr. ARENS. What was the nature of your acquaintanceship with him?

Mr. SMITH. The same kind of acquaintanceship that I had with Mr. Kurasch and other lawyers.

Mr. ARENS. Was it as extensive as the acquaintanceship you had with Mr. Kurasch?

Mr. SMITH. Mr. Counsel, I am not going to try to define degrees of relationship after 20 years.

Mr. ARENS. You know what I am driving at. Did you know Joseph Robison as a Communist?

Mr. SMITH. Ask me the question.

Mr. ARENS. Give me the answer. Did you know Joseph Robison as a Communist?

Mr. SMITH. I decline to answer that question on the same grounds I have already given.

Mr. ARENS. Did you know a person by the name of David Rein?

Mr. SMITH. I did.

Mr. ARENS. Did you know him as a Communist?

Mr. SMITH. I decline to answer on the same grounds.

Mr. ARENS. Did you know a person by the name of Woodrow Sandler?

Mr. SMITH. I did.

Mr. ARENS. Did you know him as a Communist?

Mr. SMITH. I decline to answer on the same grounds.

Mr. ARENS. Did you know a person by the name of Jacob H. Krug?

Mr. SMITH. I think so. I am not altogether sure.

Mr. ARENS. Did you know him as a Communist?

Mr. SMITH. I decline to answer on the same grounds.

Mr. ARENS. Did you know a person by the name of Ruth Weyand, W-e-y-a-n-d, also known as Ruth Weyand Perry?

Mr. SMITH. I did.

Mr. ARENS. Did you know her as a Communist?

Mr. SMITH. I decline again to answer on the same grounds.

Mr. ARENS. Did you know a person by the name of Mortimer Riemer?

Mr. SMITH. I did.

Mr. ARENS. And did you know him as a Communist?

Mr. SMITH. I again decline to answer on the same grounds.

Mr. ARENS. Did you know a person by the name of John W. Porter?

Mr. SMITH. I did.

Mr. ARENS. Did you know him as a Communist?

Mr. SMITH. I decline to answer on the same grounds.

Mr. ARENS. Did you know a person by the name of Allen Heald?

Mr. SMITH. I believe so.

Mr. ARENS. Did you know him as a Communist?

Mr. SMITH. I decline to answer on the same grounds.

Mr. ARENS. Did you know a person by the name of Harry Cooper?

Mr. SMITH. I am not certain in my recollection of Mr. Cooper.

Mr. ARENS. Did you know a person by the name of Edward Scheunemann.

Mr. SMITH. I remember Mr. Scheunemann; yes.

Mr. ARENS. Did you know him as a Communist?

Mr. SMITH. I decline to answer on the same grounds.

Mr. ARENS. Did you know a person by the name of Bertram Diamond?

Mr. SMITH. I did.

Mr. ARENS. And did you know him as a Communist?

Mr. SMITH. I decline to answer on the same grounds.

Mr. ARENS. Did you know a person by the name of Herbert Fuchs?

Mr. SMITH. I did.

Mr. ARENS. Did you know Herbert Fuchs as a Communist?

Mr. SMITH. I decline to answer on the same grounds.

Mr. ARENS. During the course of your duties as a member of the National Labor Relations Board, did you discharge those duties in

any respect pursuant to directions or orders which you received from the Communist Party?

Mr. SMITH. I did not.

Mr. ARENS. Did you consult with persons known by you to be members of the Communist Party in the furtherance of your duties as a member of that Board?

Mr. SMITH. I did not.

The CHAIRMAN. May I ask a question at this point?

Mr. Smith, you have stated that the legal staff was recruited by counsel for the Board. I have been curious about these people, and I find that in almost every instance their employment with the Board was the best job they ever had. As far as the qualifications set forth in the applications are concerned, they were very mediocre. Now the question comes to my mind: Why were these particular people selected for the jobs that they had? Was it because they were Communists?

Mr. SMITH. Certainly not.

Mr. ARENS. I put it to you as a fact and ask you to affirm or deny the fact that while you were a member of the National Labor Relations Board, you were also with the Communist conspiracy as a member of the Communist Party.

Mr. SMITH. I decline to answer on the grounds already given. I would also like to say, Mr. Chairman, in defense of the staff of the Labor Board generally, that it is my impression that they were most carefully selected, and that certainly the great majority of persons on the staff were very adequately competent to discharge their duties.

Mr. ARENS. The record reflects they were carefully selected; yes.

The CHAIRMAN. Yes.

Mr. ARENS. And for a particular purpose.

Now, while you were on the National Labor Relations Board, were you also affiliated as a member or a sponsor of the American Committee for Protection of Foreign Born?

Mr. SMITH. I have no recollection of such a connection.

Mr. ARENS. Were you affiliated with the American Committee for Protection of Foreign Born at any time?

Mr. SMITH. I have no recollection of being so affiliated.

Mr. ARENS. I lay before you the call and program of the 15th Anniversary of the National Conference of the American Committee for Protection of Foreign Born, at the Congress Hotel, Chicago, Ill., December 11 and 12, 1948, in which a partial list of the sponsors of that conference appears, and in which the name Edwin S. Smith appears, and I ask you whether or not that refreshes your recollection.

(Document handed to witness.)

Mr. SMITH. That certainly is my name, and I may have given my name as sponsor of that particular conference.

Mr. ARENS. Did you know that the American Committee for Protection of Foreign Born is one of the oldest Communist apparatuses in the Nation?

Mr. SMITH. Mr. Counsel, I know something that has transpired as far as the American Committee for Protection of Foreign Born is concerned in terms of congressional inquiries and so forth.

Mr. ARENS. Did you know Abner Green of the American Committee for Protection of Foreign Born?

Mr. SMITH. I have no recollection of knowing Mr. Green.

Mr. ARENS. Do you know whether or not the National Council of American-Soviet Friendship, of which you were the director, is a Communist front?

Mr. SMITH. I understand that it has been declared to be a Communist front by the Subversive Activities Control Board. The matter is still in litigation.

Mr. ARENS. Have you been connected with the Civil Rights Congress?

(The witness conferred with his counsel.)

Mr. SMITH. Was I a member of the Civil Rights Congress?

Mr. ARENS. Were you connected with it, active in it, a sponsor of it, a delegate?

Mr. SMITH. I have no recollection.

Mr. ARENS. I lay before you a photostatic copy of a document Freedom Crusade, issued by the Civil Rights Congress, dated January 1949, in which appears the list of people who were joining to protect the Constitution of the United States. I see a name there, and I ask you if that name I have just pointed to is the name of yourself?

(Document handed to witness.)

Mr. SMITH. I am styled here as professor.

Mr. ARENS. Does that document refresh your recollection?

Mr. SMITH. It seems to be my name. I can't quite make out what the document is.

Mr. ARENS. Turn it over. You will notice on the other side that it is a flyer, a leaflet.

Mr. SMITH. Evidently, the persons whose names appear on the back of the leaflet joined in urging the sending of delegates or observers to whatever meeting the leaflet describes. And my name is on there.

Mr. ARENS. Did you lend your name to this cause?

Mr. SMITH. I presume I did.

Mr. ARENS. Did you know that the Civil Rights Congress is likewise an arm of the Communist conspiracy in this country?

Mr. SMITH. I had no such knowledge.

Mr. ARENS. I see the purpose of this meeting is to battle to protect the Constitution of the United States. Have you ever been a member of an organization designed to destroy the Constitution of the United States?

Mr. SMITH. Mr. Counsel, I decline to answer that question on the grounds previously given.

Mr. ARENS. Have you ever been identified with the International Labor Defense?

Mr. SMITH. Not to my recollection.

Mr. ARENS. I lay before you a photostatic copy of a document entitled, "Program, Third Biennial Conference, International Labor Defense," April of 1941, Hotel Piccadilly, in New York City, in which the name Edwin S. Smith, appears, and I ask you if that refreshes your recollection.

(Document handed to witness.)

(The witness conferred with his counsel.)

Mr. SMITH. My name appears there, I notice, Mr. Counsel, under the heading, "Messages of Good Wishes and Regrets at Their Inability to Attend Were Received," from a list of persons where my name is included.

Mr. ARENS. At the time you sent these felicitations, did you know that the International Labor Defense was an international arm of the Communist international conspiracy?

Mr. SMITH. I had no such knowledge.

Mr. ARENS. Do you know it now?

Mr. SMITH. I frankly know very little about the International Labor Defense. If you tell me it has been on the Attorney General's list, or something of that sort, that is probably correct.

Mr. ARENS. While you were with the National Labor Relations Board, were you a member of the National Lawyers Guild?

Mr. SMITH. I was not. I am not a lawyer.

Mr. ARENS. Were you identified with the National Lawyers Guild?

Mr. SMITH. No, I was not identified with the National Lawyers Guild.

Mr. ARENS. Did you participate in sessions of the National Lawyers Guild?

Mr. SMITH. I did not.

Mr. ARENS. I lay before you a photostatic copy of an invitation of the National Lawyers Guild, to a dinner, and ask you whether or not you were in attendance at that particular session, at that dinner.

(Document handed to witness.)

Mr. SMITH. Yes; I attended that dinner and I spoke at that dinner. I would like also to call attention to the fact that the Supreme Court Justice Stanley Reed, Senator Murdock, from Utah, and Judge Warren Madden also were speakers at the same dinner, which was in honor of Mr. Madden, the Chairman of the National Labor Relations Board.

Mr. ARENS. Have you ever terminated your relationship with the National Council of American-Soviet Friendship?

Mr. SMITH. I have.

Mr. ARENS. When was that?

Mr. SMITH. At the time that I undertook my present business.

Mr. ARENS. What year?

Mr. SMITH. 1952.

Mr. ARENS. Were you identified as director of the National Council of American-Soviet Friendship until 1952?

Mr. SMITH. That is correct.

Mr. ARENS. What precipitated your disassociation from the National Labor Relations Board?

Mr. SMITH. I was not reappointed by the President.

Mr. ARENS. Your term just expired; is that correct?

Mr. SMITH. That is right.

Mr. ARENS. How did you get your job with the United Public Workers?

Mr. SMITH. I am trying to recall.

Mr. ARENS. Maybe I can help you a little bit. Did Abram Flaxer have anything to do with it?

Mr. SMITH. Certainly Abram Flaxer must have approved my final appointment.

Mr. ARENS. Did you know Abram Flaxer is a hard, hard core member of the Communist conspiracy?

Mr. SMITH. Mr. Counsel, I know nothing of Abram Flaxer in that regard.

Mr. ARENS. I appreciate your frankness on that question.

Mr. SMITH. Beyond what I have seen in the papers, that is.

Mr. ARENS. I appreciate your frankness. Did you, as of the time you were with the United Public Workers, know that Abram Flaxer was a member of the Communist Party?

Mr. SMITH. I decline to answer that question on the grounds of testifying against myself.

Mr. ARENS. How do you distinguish this from the preceding question? I only said in the preceding question he was a hard, hard core member, and now I ask you about him being just a plain ordinary run-of-the-mill member, and you invoke the fifth amendment. Is it just that you don't recognize the depth of his penetration within the conspiracy?

Mr. SMITH. I will let the record stand as it is.

Mr. ARENS. Let us straighten the record out.

The CHAIRMAN. I do not think the record needs to be straightened out. He has refused to answer the question on the grounds of the fifth amendment.

Mr. ARENS. Did you know a man by the name of Ewart G. Guinier when you were with the United Public Workers?

Mr. SMITH. I did.

Mr. ARENS. Did you know he was a member of the Communist conspiracy?

Mr. SMITH. I decline to answer that question on the same grounds.

Mr. ARENS. Were you a member of the Communist conspiracy when you were with the United Public Workers?

Mr. SMITH. I decline to answer that question on the same grounds.

The CHAIRMAN. The fact of the matter is you received your job with the United Public Workers because you were a Communist, is that not the fact?

Mr. SMITH. I decline to answer that question, Mr. Chairman, on the grounds already stated.

The CHAIRMAN. The Committee will stand in recess. The House is now in session.

We will reconvene at 2 o'clock.

(Members present at the taking of the recess: The chairman, Representatives Willis and Kearney.)

(Whereupon, at 12:05 p. m., the committee recessed, to reconvene at 2 p. m., the same day, Thursday, March 1, 1956.)

AFTERNOON SESSION—MARCH 1, 1956

(The hearing reconvened at 2 p. m. Present at the reconvening of the session were the Chairman and Representative Scherer.)

The CHAIRMAN. The committee will come to order.

Mr. ARENS. Mr. Smith, will you kindly resume the stand?

TESTIMONY OF EDWIN S. SMITH—Resumed

Mr. ARENS. Mr. Smith, this morning we talked about your trip to Soviet Russia. At whose instigation or invitation did you make that trip?

Mr. SMITH. I testified about that this morning quite specifically.

Mr. ARENS. Tell us the name of the organization that invited you.

Mr. SMITH. The name of the organization was VOKS., which is shorthand for the Society for Cultural Relations With Foreign Countries, a Soviet organization.

Mr. ARENS. Do you know that Voks is a cover for an intelligence operation by the Soviet Government?

Mr. SMITH. I have no such knowledge.

Mr. ARENS. Have you ever been told that?

Mr. SMITH. No; I have never been told that.

Mr. ARENS. Do you know a person or have you known a person by the name of Ignace Zlotowski, Z-l-o-t-o-w-s-k-i?

Mr. SMITH. Yes.

Mr. ARENS. What was the nature of your acquaintanceship with him?

(Representative Kearney entered the hearing room.)

Mr. SMITH. I first became acquainted with Mr. Zlotowski when he was the secretary of the science committee of the National Council of American-Soviet Friendship which you referred to this morning.

Mr. ARENS. He is a citizen and native of what country?

Mr. SMITH. He is a Pole.

Mr. ARENS. Do you know whether or not he is a Communist?

Mr. SMITH. I do not.

(At this point, Representative Willis entered the hearing room.)

Mr. ARENS. You know, do you not, that he is a top-flight Soviet espionage agent.

Mr. SMITH. I have no such knowledge.

Mr. ARENS. Have you ever been told that?

Mr. SMITH. I think I may have been asked a question of that similar character about Mr. Zlotowski in my appearance before the Senate Internal Security Committee. I don't know whether it was just in that form.

Mr. ARENS. While you were in the Soviet Union, did you have freedom of movement around the country to places where you might want to go in developing more amicable cultural relations between the United States and the Soviet Union?

Mr. SMITH. Yes; I would say so. I don't recall wanting to go anywhere I didn't go.

Mr. ARENS. Did you express any desire to see any of the slave labor camps in the Soviet Union?

Mr. SMITH. No.

Mr. ARENS. Why didn't you express a desire to see the slave labor camps?

Mr. SMITH. Mr. Counsel, I testified earlier that I was invited over there to try to build up cultural relations between the Soviet Union and the United States, looking toward exchange of cultural material between both countries and possibly exchange of individuals, scientists, artists, musicians, et cetera.

Mr. ARENS. Would that include the exchange of scientific information?

Mr. SMITH. Yes, certainly.

Mr. ARENS. That was part of your objective?

Mr. SMITH. Certainly.

Mr. ARENS. Did you have as part of your objective the exchange of information respecting the scientific accomplishments of the United States of America in the field of atomic energy?

Mr. SMITH. No, sir.

Mr. ARENS. I do not quite understand yet why you did not have a little curiosity to see or inquire about these slave labor camps?

Mr. SMITH. I will let you speculate about that, Mr. Arens. I made my statement.

Mr. ARENS. You had no such curiosity, is that correct?

Mr. SMITH. I made no inquiries about slave labor camps.

Mr. ARENS. I thought perhaps, on the basis of your experience as a member of the National Labor Relations Board, dealing with labor problems, you might want to have some curiosity satisfied within yourself respecting labor conditions in the Soviet Union.

Mr. SCHERER. Mr. Counsel, I was not here this morning. What year did the witness take this trip?

Mr. ARENS. 1945. It was just after the close of the war. That is, just after the close of the war in Europe.

While you were on the National Labor Relations Board, did you know a person by the name of Roy Hudson?

Mr. SMITH. I decline to answer that question on the grounds I have previously asserted.

Mr. ARENS. Roy Hudson was a leader of the labor section of the Communist conspiracy in this country while you were on the National Labor Relations Board, is that not correct?

Mr. SMITH. I am unable to answer that question out of my information.

Mr. ARENS. Were you ever associated in any activity with Roy Hudson while you were on the National Labor Relations Board?

Mr. SMITH. I decline to answer that question on the grounds previously stated.

Mr. ARENS. The truth is that you were a deputy to Roy Hudson who was a top-flight leader of the labor section of the Communist Party, while you were a member of the National Labor Relations Board, is that not true?

Mr. SMITH. I decline to answer that question on the grounds already stated.

Mr. ARENS. Do you honestly apprehend that if you would tell this committee whether or not, while you were a member of the National Labor Relations Board, you were also deputy to Roy Hudson, labor chief of the Communist Party, you would be supplying information which could be used against you in a criminal proceeding?

Mr. SMITH. I decline to answer that question on the grounds already expressed.

Mr. ARENS. I very respectfully suggest, Mr. Chairman, that the witness be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question.

Mr. SMITH. I again decline on the grounds stated.

Mr. ARENS. Did you go abroad in 1950?

Mr. SMITH. No.

Mr. ARENS. Did you, about that period, 1949, 1950, 1951, go to a world peace Congress in England?

Mr. SMITH. I did not.

Mr. ARENS. Did you ever attend a world peace conference in England?

Mr. SMITH. I never did.

Mr. ARENS. Did you ever attend a world peace conference anywhere?

Mr. SMITH. Never.

Mr. ARENS. Inviting your attention for the moment to this teachers' division of the United Public Workers, you were supervisor of organization for that group, is that correct?

Mr. VAN ARKEL. Mr. Chairman, I would like to suggest again this has all been covered before the Senate committee. It is all a matter of record. I think we can save a lot of time by putting in his testimony before the committee directly.

Mr. ARENS. Part of it has been. The specific points I am pointing out now are certainly germane to the issues we have.

Mr. VAN ARKEL. There is hardly a part of it that has not been duplicated before the Senate committee.

Mr. ARENS. I am trying not to duplicate, Mr. Chairman. There are areas where there will be duplication, and bound to be, because we have the same plan.

The CHAIRMAN. Proceed, but try to limit duplication.

Mr. ARENS. Tell us, sir, what were your duties as director of the national teachers division of the United Public Workers?

Mr. SMITH. I was not primarily an organizer. I was more of a person in charge of responsibility of servicing the existing locals.

Mr. ARENS. How many locals of teachers were established under your supervision or direction while you were with the national teachers division of the United Public Workers?

Mr. SMITH. Do you mean how many new locals appeared during that period?

Mr. ARENS. No. How many in the aggregate were under your supervision.

Mr. SMITH. I would suggest about 7 or 8. I don't recall exactly.

Mr. ARENS. How many teachers in these locals were under your supervision?

Mr. SMITH. Possibly between six and seven thousand.

Mr. ARENS. Where were the teachers principally located?

Mr. SMITH. In the city of New York.

Mr. ARENS. Is that entity still in existence of which you were director?

Mr. SMITH. Yes, although it is no longer a part of the United Public Workers, since the United Public Workers no longer exists. There is an organization called the Teachers Union of New York.

Mr. ARENS. Is that the successor organization of the organization of which you were a director?

Mr. SMITH. I should say so; yes.

Mr. ARENS. Were you a member of the Communist conspiracy when you were directing the entity of which some six or seven thousand teachers were members?

Mr. SMITH. I refuse to answer that question on the grounds already given.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that you were a member of the Communist conspiracy when you were directing this work of the United Public Workers of America.

Mr. SMITH. Again I decline for the same reason.

Mr. ARENS. While you were with the Federal Government, did you at any time take a loyalty oath?

Mr. SMITH. I am sorry, I didn't understand the question.

Mr. ARENS. Did you at any time take a loyalty oath, an oath to preserve, protect and defend the Constitution of the United States?

Mr. SMITH. Yes; I believe I did.

Mr. ARENS. When did you take it?

Mr. SMITH. I suppose on the entrance into each of my Federal employments.

Mr. VAN ARKEL. This matter, Mr. Chairman, has also been covered very thoroughly before the Senate committee.

Mr. ARENS. Mr. Chairman, I want to invite counsel's attention to the duties of counsel before this committee. It is only to advise the witness and not the committee.

Mr. VAN ARKEL. I am saying this in the interest of saving the committee's time. It can be put into the record and it is a matter of public knowledge.

Mr. SCHERER. I have not heard this testimony, and I want to hear it. I am perfectly satisfied that our counsel can conduct this examination properly.

Mr. KEARNEY. What my colleague said goes for me, too. I am not a member of any other committee except the House committee here.

Mr. ARENS. The rules provide that the participation of counsel during the course of any hearing shall be limited to advising the witness as to his legal rights. There is a specific admonition not to argue with the committee, and to confine his conduct to legal advice to his client.

Mr. SCHERER. On the Public Works Committee we heard identically the same witnesses and the same testimony that the Senate heard a few weeks ago.

The CHAIRMAN. Proceed.

Mr. ARENS. When did you take your loyalty oath to the Government?

Mr. SMITH. May I refresh my recollection by consulting the previous testimony?

Mr. ARENS. Yes, sir.

(The witness conferred with his counsel.)

Mr. SMITH. There is a reference on page 559 of the previous hearing to a loyalty oath dated June 21, 1941, which I took, one on August 26, 1936, one on August 29, 1935, and one on July 9, 1934.

Mr. ARENS. As of the time you took those loyalty oaths, were you a member of the Communist conspiracy?

Mr. SMITH. I decline to answer that question on the grounds I already stated.

Mr. ARENS. While you were with the National Labor Relations Board as one-third of the membership of that Board, did you know of the existence of a conspiratorial apparatus consisting of Abt, Witt, and Kramer?

Mr. SMITH. I had no such knowledge.

Mr. ARENS. Did you know John Abt?

Mr. SMITH. I am not sure whether I knew John Abt.

Mr. ARENS. Of course you knew Nathan Witt?

Mr. SMITH. I knew Mr. Witt, certainly.

Mr. ARENS. Did you know Charles Kramer?

Mr. SMITH. I don't recall whether I knew Kramer.

Mr. ARENS. Did you know Nathan Gregory Silvermaster?

Mr. SMITH. Yes, I knew Mr. Silvermaster.

Mr. ARENS. What was the nature of your acquaintanceship with him?

Mr. SMITH. Purely a social acquaintanceship.

Mr. ARENS. Was that the extent of your acquaintanceship with him?

Mr. SMITH. That is correct.

Mr. ARENS. During the course of your acquaintanceship with Mr. Silvermaster, while you were a member of the National Labor Relations Board, did you know whether or not he was a member of the Communist conspiracy?

Mr. SMITH. I refuse to answer that question on the grounds already stated.

Mr. ARENS. When were you last at the Soviet Embassy?

Mr. SMITH. I really can't recall. I should say within the last month, possibly within the last 2 or 3 weeks.

Mr. ARENS. How many times have you been to the Soviet Embassy in the course of the last year?

Mr. SMITH. I am unable to answer that question.

Mr. ARENS. Have you been to the Soviet Embassy in the course of the last year as many as a dozen times?

Mr. SMITH. I would doubt it.

Mr. ARENS. Have you been there as many as six times?

Mr. SMITH. Possibly.

Mr. ARENS. Whom do you see when you go to the Soviet Embassy?

Mr. SMITH. I see different people on different occasions.

Mr. ARENS. Let us have the names of the people you see there?

Mr. SMITH. The person that I see there most frequently is a man by the name of Kastioukhin.

Mr. ARENS. Would you kindly spell his name?

Mr. SMITH. I am not quite sure of the spelling, but I will give it to the best of my knowledge.

Mr. ARENS. Give it phonetically.

Mr. SMITH. K-a-s-t-i-o-u-k-h-i-n.

Mr. ARENS. What was the purpose of your visit with Mr. Kastioukhin of the Soviet Embassy?

Mr. SMITH. The purpose of my visit with Mr. Kastioukhin, my several visits, because I have seen him more than once, were in connection with furthering the purposes of my business.

Mr. ARENS. And the purpose of your business is to disseminate Communist propaganda in this country, is that correct?

Mr. SMITH. I certainly would not describe it that way, Mr. Arens.

Mr. ARENS. Is this propaganda which you receive from behind the Iron Curtain and label in accordance with the provisions of the Foreign Agents Registration Act, Communist propaganda?

Mr. SMITH. I don't consider news photographs which I distribute Communist propaganda, nor do I believe they are so considered by my customers. I think they are considered part of the interchange of news which goes on beyond this and any country.

Mr. ARENS. Do you have any information, some publications, some periodicals, which you disseminate in this country, which are labeled in accordance with the provisions of the Foreign Agents Registration Act?

Mr. SMITH. I don't disseminate any.

Mr. ARENS. Do you transmit it?

Mr. SMITH. I don't transmit it.

Mr. ARENS. Do you receive such material?

Mr. SMITH. I receive periodicals for my own information, but not for dissemination or transmission.

Mr. ARENS. Do you, in accordance with your work and this enterprise which you operate, label material pursuant to the provisions of the Foreign Agents Registration Act?

Mr. SMITH. I do. May I add that I have conformed to all of the requirements in that regard, not only as set forth in the statutes, in the regulations, but as specifically approved by Mr. Foley, who was at the time the Director of the Foreign Agents Registration Division.

Mr. SCHERER. I can see why he does. It is smart to do what he does, comply with the law.

Mr. ARENS. The Foreign Agents Registration Act is applicable to foreign political propaganda, is it not?

Mr. SMITH. Yes.

Mr. ARENS. Then the material which you label is foreign political propaganda, is it not?

Mr. SMITH. I suppose within the terms of the act it is.

Mr. ARENS. And it is foreign political propaganda emanating from behind the Iron Curtain, is it not?

Mr. SMITH. It is foreign political propaganda, if you want to use that phrase—

Mr. ARENS. I am asking you to use the phrase if it is truthful.

Mr. SMITH. From the countries which I have already listed as those with which I am dealing.

Mr. ARENS. Let us start over again. The material which you label is foreign political propaganda, is it not? Otherwise you would not have to label it under the Foreign Agents Registration Act.

Mr. SMITH. I am not—excuse me.

(The witness conferred with his counsel.)

Mr. SMITH. I would simply state again that I have complied with all the provisions of the Registration Act and also reaffirm my statement that, practically, I do not consider these news photographs to be political propaganda. That is my personal opinion.

Mr. ARENS. But to make the record clear, you label it pursuant to those provisions of the Foreign Agents Registration Act which require the labeling of foreign political propaganda, is that not true?

Mr. SMITH. That is correct.

Mr. ARENS. And this foreign political propaganda which you label emanates from behind the Iron Curtain, is that correct?

Mr. SMITH. It emanates from the countries which I have already defined.

Mr. ARENS. Are those countries which you have defined, countries behind the Iron Curtain?

Mr. SMITH. That is your characterization. I am not disposed to use that particular phrase.

Mr. ARENS. You feel that might be offensive to the development of the friendships which you were undertaking to develop on your trip to the Soviet Union, is that correct?

Mr. SMITH. I think it doesn't add to the possibilities of goodwill between this country and other countries.

Mr. ARENS. Do you feel that we can develop a bona fide goodwill with the conspirators in the Kremlin?

Mr. SMITH. Mr. Counsel, I would not care to undertake any discussion here of a nature relating to international affairs, general political discussions. I might say that when I undertook the agency, the functions of the agency which I am now pursuing, I, myself, resigned from all organizations which had any kind of a social or political connection, because I felt that was appropriate due to the nature of my work. I therefore don't feel myself called upon to discuss such matters.

Mr. KEARNEY. Mr. Chairman, may I make an observation?

The CHAIRMAN. Yes.

Mr. KEARNEY. This morning, Mr. Smith, you mentioned the countries that you were acting for as agent in compliance with the laws of this country. Were any of those nations that you mentioned this morning in what I call the free world countries, or were they all behind the Iron Curtain?

Mr. SMITH. I am sure they are not included within the category which you would call the free world countries.

Mr. KEARNEY. In other words, they are all behind the Iron Curtain?

Mr. SMITH. They are commonly spoken of in distinction to the free world countries.

Mr. ARENS. To whom do you sell or distribute the material which you receive from behind the Iron Curtain?

Mr. SMITH. I distribute it primarily, as far as the photographs are concerned, to all the news agencies, the Associated Press, the International News Service, the United Press. I have an agreement with each of those agencies by which all pictures coming from the Soviet Union are first shown to them before they are shown to other prospective customers, and they pay me a monthly service charge for furnishing them with opportunity to purchase such photographs. Thereafter, if I may conclude the answer a little more fully, thereafter I sell to all the leading picture magazines, Life, Time, Newsweek, U. S. News and World Report. I sell large numbers of my photographs to the United States State Department, and I sell photographs from time to time to the Marine Corps Gazette, and to other Army, and I don't know about Navy, but certainly other Army publications.

Mr. ARENS. Do you have occasion in the course of your activities to procure and transmit back behind the Iron Curtain, photographs of any kind, character, or description which are initiated or developed in this country?

Mr. SMITH. No, I do not. Mine is a one-way business.

Mr. ARENS. Exclusively one way?

Mr. SMITH. That is correct.

Mr. ARENS. Do you disseminate here or sell here anything else besides photographs?

Mr. SMITH. I explained this morning that I have a relationship to books and music.

Mr. ARENS. Are those books principally books which originate behind the Iron Curtain?

Mr. SMITH. Those are books which I receive only from the Soviet Union.

Mr. ARENS. Are they Communist propaganda?

Mr. SMITH. I don't think they are even regarded as Communist propaganda in terms of the act. Certainly there is no requirement of

their being labeled. I think a scientific book on nuclear physics, let us say, which I might receive from the Soviet Union, would be rather ridiculous to label as political propaganda or a book in any other scientific field, which I get a great many of, including medicine.

Mr. ARENS. Do you receive and transmit material of any kind, character, or description from Red China?

Mr. SMITH. I receive photographs from China.

Mr. ARENS. Do you receive any from Red China?

Mr. SMITH. Yes. I am talking about China, the mainland of China.

Mr. ARENS. That is the China which is under the domination of the international Communist conspiracy; is that correct?

Mr. SMITH. As far as I am concerned, the name is the Chinese Peoples Republic.

Mr. ARENS. What is the nature of the material you receive from Red China?

Mr. SMITH. News photographs.

Mr. ARENS. How much do you have to pay for the material which you receive from the Communist controlled countries?

Mr. SMITH. I don't pay anything for the photographs. The photographs are sent to me on consignment. I sell the photographs or, rather, I sell the right to reproduce the photographs, and then I transmit a certain portion of the sales to the foreign principal, a certain portion of the money received for the sales, and the balance I retain for the agency.

Mr. ARENS. Who is your foreign principal or foreign principals?

Mr. SMITH. Do you want the entire list?

Mr. ARENS. Do you have a whole list of them?

Mr. SMITH. Certainly. I might say also that that is not only available in the testimony previously referred to before the Senate Internal Security Committee, but also in my regular semi-annual statements to the Department of Justice.

Mr. ARENS. Then we will get the information from there and not take the time for an enumeration of the entire list.

Do you have business relations with Tass, the Russian agency?

Mr. SMITH. No.

Mr. ARENS. Do you have business relations with any of the official agencies of the Soviet Government in the United States, other than the Embassy, which you have already described?

Mr. SMITH. No, I do not.

Mr. ARENS. Are your contacts with the Russian Embassy, exclusively in the furtherance of your work to distribute this literature and these photographs in the United States?

Mr. SMITH. That is correct.

Mr. ARENS. Do you presently know anyone in the employ of the United States Government whom you have known at any time as a member of the Communist conspiracy?

Mr. SMITH. I would decline to answer that question on the same grounds already asserted.

Mr. ARENS. Did you succeed someone in this position that you now occupy, or did you originate this company?

Mr. SMITH. I stated this morning that the agency had been in existence for the past 20 or more years.

Mr. ARENS. Who was your predecessor in the position that you occupy?

Mr. SMITH. My predecessor was a lady by the name of Black, Miss Helen Black, who died in 1952, and who had been operating the agency for a great many years.

Mr. ARENS. Was she a member of the Communist conspiracy?

Mr. SMITH. I decline to answer that question on the grounds already expressed.

Mr. KEARNEY. Mr. Smith, do you know of anyone in the United States Government today, to your own knowledge, who is engaged in what I call espionage work with the Russian Government?

Mr. SMITH. I decline to answer that question on the grounds already expressed.

Mr. KEARNEY. In other words, you refuse to give this committee the names of anyone you know who are today engaged in espionage against their own Government?

(The witness conferred with his counsel.)

Mr. SMITH. I attempted to say in my answer, and I hope I did, to make it clear, that I haven't said that I know anyone. I decline to answer the question.

Mr. KEARNEY. Do you know of anyone?

Mr. SMITH. I decline to answer that question on the grounds already stated.

Mr. KEARNEY. We finally got the truth out of you.

Mr. ARENS. Mr. Smith, during the course of your membership as one-third of the National Labor Relations Board, did you have contacts with the Russian Embassy?

Mr. SMITH. No, not in the sense, I think, that you mean it. I had no business relationships with the Russian Embassy.

Mr. ARENS. Did you have any other relationships with the Russian Embassy?

Mr. SMITH. Yes, I went occasionally to social functions at the Russian Embassy.

Mr. ARENS. Did you ever identify yourself to a member of the officialdom in the Russian Embassy as a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. SMITH. I decline to answer that question on the same grounds.

Mr. KEARNEY. Mr. Chairman, this seems to be quite a joke between the witness and his counsel. I cannot see any humor in this situation.

(The witness conferred with his counsel.)

Mr. SMITH. Will you excuse me just 1 minute?

(The witness conferred with his counsel.)

Mr. SMITH. Mr. Arens, I would like to change the answer to the question that I previously gave, namely that I would like to state now that never did I identify myself to any official in the Soviet Embassy as a member of the Communist Party.

Mr. ARENS. Who was the general counsel of the National Labor Relations Board while you were a member of the Board?

Mr. SMITH. The most recent—the latest General Counsel was, I believe, Robert Watts. May I consult with my counsel, who was—

(The witness conferred with his counsel.)

Mr. SMITH. I will amend that answer and say Charles Fay.

Mr. ARENS. Was your counsel here today an employee of the National Labor Relations Board?

Mr. SMITH. He was at one time.

Mr. ARENS. When was he an employee of the National Labor Relations Board?

Mr. SMITH. During a portion of the period I was on the Board.

Mr. ARENS. In what capacity did he serve?

Mr. SMITH. He was on the legal staff.

Mr. ARENS. Who was the predecessor as General Counsel to the gentleman whose name you just gave?

Mr. SMITH. I believe Mr. Magruder.

Mr. ARENS. His full name, please.

Mr. SMITH. Calvert Magruder, now a circuit court judge in Massachusetts.

Mr. ARENS. While you have been associated with your present agency, have you had any business dealings with India or with Indonesia?

Mr. SMITH. I had a relationship of rather short duration with the Embassies of both India and Indonesia, in terms of their supplying me with photographs for sale on the same basis as other countries mentioned that supply them to me.

Mr. ARENS. When was that?

Mr. SMITH. I believe that was in 1953, maybe in 1954. I am not sure. Perhaps 1954.

Mr. ARENS. Can you give us a fair estimate of the total remittances which you have made in the course of the last year behind the Iron Curtain?

Mr. SMITH. I wouldn't undertake to give you such an estimate because I don't have those figures readily in mind. However, all of that material is covered by the reports to the Department of Justice.

Mr. ARENS. How large a type do you use to identify this material on its face, pursuant to the provisions of the Foreign Agents Registration Act?

Mr. SMITH. How big a type?

Mr. ARENS. Yes, sir.

Mr. SMITH. I am not an expert on the size of types. It is a rubber stamp which is clearly legible which I use.

Mr. ARENS. What does it say on the rubber stamp?

Mr. SMITH. I can't recall, actually. It is the form prescribed by the Department of Justice.

Mr. ARENS. It doesn't say anything about being Communist propaganda, does it?

Mr. SMITH. No.

Mr. ARENS. It does not say anything about being foreign political propaganda, does it?

Mr. SMITH. It doesn't say foreign political propaganda. It says roughly, as I recall it, that this is material labeled in accordance with the provisions of the Foreign Registration Act, and that the United States Government accepts no responsibility one way or another for the accuracy of the material, etc.

Mr. ARENS. Do you distribute any of this material to schools and colleges in the country?

Mr. SMITH. Yes. I haven't done so recently. At one time one of the largest customers was Columbia University, which had a regular contract with us for copying our photographs. In fact, I think they copied almost all photographs that were in the file. We no longer have that relationship because they finished their job in that respect.

Mr. ARENS. Do you have any relationship with a firm or business entity of any kind, character, or description in Red Korea?

Mr. SMITH. No.

Mr. ARENS. Have you ever had?

Mr. SMITH. No.

Mr. ARENS. Can you not, in the interest of serving the cause of the internal security of the Nation of which you are a citizen, and to which you took an oath of allegiance, give this committee even an iota of information respecting the identity of persons known by you to be in the Communist conspiracy?

Mr. SMITH. I think I already answered that question in terms of my specific replies on particular individuals.

Mr. SCHERER. Mr. Chairman, I submit he has not answered the question. He says he thinks he has answered that question by previous replies. I ask that you direct the witness to answer the question.

The CHAIRMAN. He refused to answer.

Mr. ARENS. Can you tell us in a word whether or not you have any business relationships with East Photo?

Mr. SMITH. Yes.

Mr. ARENS. Identify East Photo for us.

Mr. SMITH. East Photo is one of the trade names which I mentioned before, under which I conduct business. The photographs which come from China and the East European countries, are all sold under the East Photo label, as distinguished from Sov-Photo, which covers photographs from the Soviet Union.

Mr. ARENS. You do not distribute anything from Formosa, do you?

Mr. SMITH. No; I do not.

Mr. KEARNEY. That is the question I was going to ask, counsel, as to whether or not, when you referred to the word "China," you meant the mainland or "Formosa."

Mr. SMITH. I meant the mainland of China.

Mr. KEARNEY. In other words, you do not do any business with Formosa at all?

Mr. SMITH. That is correct.

Mr. ARENS. Have you distributed in the course of your operations, any photographs allegedly depicting the use of germ warfare by the United States in Korea?

Mr. VAN ARKEL. This is thoroughly covered before the Senate committee.

Mr. ARENS. I am waiting for an answer.

Mr. SMITH. I could refresh myself by looking at this testimony, but I think I have it fairly clearly in mind. I distributed a number of such photographs and a number of such photographs were purchased, and at the request of the Senate Internal Security Committee, I furnished them with a list of the purchasers which appears in the testimony before that committee.

Mr. ARENS. Did your conscience bother you any in distributing that type of international Communist propaganda against the boys who were laying their breasts bare to a deadly enemy of this Nation?

Mr. SMITH. Not in the slightest.

Mr. ARENS. That is all.

The CHAIRMAN. Are there any questions?

Mr. WILLIS. No questions.

Mr. KEARNEY. No questions.

Mr. SCHERER. I have one question.

Do you ever receive any compensation, either directly or indirectly from the Communist Party?

Mr. SMITH. I decline to answer that question on the grounds already expressed.

Mr. SCHERER. Do you receive any compensation either directly or indirectly from any known Communist agent in this country?

Mr. SMITH. I answer the question in the same way, I decline to answer for the reasons already stated.

Mr. SCHERER. What year were you appointed a member of the National Labor Relations Board?

Mr. SMITH. 1934, the first Board, and 1935 the second Board.

Mr. SCHERER. Let me ask counsel a question. I was not here this morning, and I want to know whether or not you asked him, or any member of the committee asked him, how he obtained that appointment.

Mr. ARENS. I do not believe we asked him.

Mr. SCHERER. How did you obtain the appointment?

Mr. SMITH. Again, that was set forth in the previous testimony that I have referred to. I obtained the appointment at the suggestion of Frances Perkins, or at least she was the person who notified me that I had been appointed.

Mr. SCHERER. Did you make application for the appointment?

Mr. SMITH. No; I did not.

Mr. SCHERER. Is she the one who was responsible, then, for your appointment to the National Labor Relations Board?

Mr. SMITH. I would hesitate to say that. In fact, I don't think I can say it out of my knowledge. All I can say is that she notified me that there was a possibility of my being appointed to the Board by the President, and would I be interested to accept the post if I were appointed.

Mr. SCHERER. Do you know who went to the President and recommended you?

Mr. SMITH. I know nothing more about it.

Mr. SCHERER. Did you know Frances Perkins prior to the time that she contacted you with reference to this appointment?

Mr. SMITH. I know nothing about those circumstances.

Mr. SCHERER. How long before she had this conversation with you, which you have just related to us, did you know her? For how long a period?

Mr. SMITH. I have known Miss Perkins over a period of years. Of course, before she came here as Secretary of Labor, she had been Commissioner of Labor in New York at the same time that I was Commissioner of Labor and Industries in Massachusetts. So I had occasion to meet her more than once.

Mr. SCHERER. And the first knowledge that you had of a possible appointment to the National Labor Relations Board came when Miss Perkins contacted you and asked whether you would be interested in such an appointment?

Mr. SMITH. That is correct.

Mr. SCHERER. I suppose you have been asked this question, but at the time of your appointment were you a member of the Communist Party?

Mr. SMITH. I have already answered that question, I believe. If I have not, I would now answer that I decline to answer on the grounds already stated.

Mr. SCHERER. To your knowledge, did Miss Perkins know whether or not you were a member of the Communist Party?

Mr. SMITH. I decline to answer that question also on the same grounds, Mr. Representative.

Mr. SCHERER. Did you disclose to Miss Perkins at the time of your appointment whether or not you were a member of the Communist Party? I am not asking you to state whether you were or were not a member of the party, but did you disclose to her at the time whether you were or were not a member of the Communist Party?

Mr. SMITH. I decline to answer that question on the same grounds I have already expressed.

Mr. SCHERER. I have no further questions.

Mr. KEARNEY. Mr. Smith, I would like to have you clear up for me, if you will, a question which was asked by counsel about the pictures of germ warfare in Korea. The observation was advanced as to whether it bothered your conscience or not, and you said "Not in the slightest." Will you clear that up for me, please?

Mr. SMITH. Yes. I will be glad to amplify that. I discussed the question of these alleged germ warfare pictures at some length before the Senate Internal Security Committee, and I explained to them as I am glad to explain to you, that all pictures that come to me I am obligated, under my arrangements with various persons with whom I distribute them, to show them to them. At the time these pictures of alleged germ warfare were sent to me, there was a very wide interest in this subject.

Mr. KEARNEY. Let me interrupt you there. Those pictures were sent to you from where?

Mr. SMITH. From China.

Mr. KEARNEY. From Red China?

Mr. SMITH. Yes, certainly. They were sent from the China mainland, through China Photo Service, which is the organization I deal with. Incidentally, a reference to the testimony before the Internal Security Committee would show that all of these pictures were shown to organizations, media of news distribution, television companies, et cetera, who used them specifically to disprove the allegation of germ warfare.

Mr. KEARNEY. In other words, the pictures that you refer to disproved the allegations?

Mr. SMITH. I say they were used in a fashion to try to disprove any charges.

Mr. KEARNEY. I asked you, Did these pictures disprove the charge of germ warfare?

Mr. SMITH. The pictures did not specifically disprove. In fact, they were sent out with an attempt to affirm the charges of germ warfare. But I say that they were utilized by people to disprove the charges. In other words, those who used the photographs claimed that they were fake photographs.

Mr. KEARNEY. Did you, yourself, ever attempt to disprove these pictures on the charge of germ warfare that were put out by our enemies?

Mr. SMITH. Mr. Representative, I don't handle my pictures in that fashion. I am dealing with adult persons, and the biggest——

Mr. KEARNEY. In other words, you send your pictures out as they come to you?

Mr. SMITH. Exactly, and I sent the biggest——

Mr. KEARNEY. Whether they are true or not?

Mr. SMITH. Certainly. I could hardly make a distinction with the New York Times, let us say, between a picture which I regarded as true and you regarded as true. I leave that up to the customer.

Mr. KEARNEY. Are you an American citizen?

Mr. SMITH. Yes; I am an American citizen.

Mr. KEARNEY. And still at the same time, you would send out, regardless of any truth, any propaganda pictures that came in, charging germ warfare on the part of our Armed Forces?

Mr. SMITH. I think I can only answer the question this way, Mr. Kearney, by saying that if I had received those pictures and failed to send them on to the agencies that expect to receive pictures from me, as they come in, that I would have been subject to a very legitimate kick on the part of my customers. I would kick if I were in their place.

Mr. KEARNEY. In other words, you mean by that you would have lost a pretty good job?

Mr. SMITH. No; I don't mean——

Mr. KEARNEY. That is, being on the side of the right?

Mr. SMITH. Let me finish my statement.

Mr. KEARNEY. Go ahead.

Mr. SMITH. I don't mean that those pictures in and of themselves brought in a revenue that was important one way or another. But it is important to me to fulfill my obligation to my customers, and the obligation does not include prior censorship by me as to what pictures they may see.

Mr. SCHERER. Is that a superior obligation to that which you owe to your country?

Mr. SMITH. I don't look at it in that light at all. I don't understand that argument. If you are saying the Associated Press should be protected by me from seeing photographs of alleged germ warfare, I can't follow that type of argument.

Mr. SCHERER. Do not twist it. I did not say anything about the Associated Press.

I think he has answered it.

The CHAIRMAN. The witness is excused.

Call your next witness.

Mr. ARENS. If it please the chairman, the next witness will be Samuel M. Koenigsberg, K-o-e-n-i-g-s-b-e-r-g.

Please remain standing, Mr. Koenigsberg, and raise your right hand to be sworn.

The CHAIRMAN. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KOENIGSBERG. I do.

TESTIMONY OF SAMUEL M. KOENIGSBERG, ACCOMPANIED BY
COUNSEL, OSMOND K. FRAENKEL

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. KOENIGSBERG. My name is Samuel M. Koenigsberg, K-o-e-n-i-g-s-b-e-r-g. I live at 34 Clinton Place, Newark, N. J., and I am an attorney.

Mr. ARENS. Are you licensed to practice law in the State of New Jersey?

Mr. KOENIGSBERG. Yes, sir.

Mr. ARENS. And are there any other States in which you are licensed to practice?

Mr. KOENIGSBERG. In the State of New York.

Mr. ARENS. Are you appearing here today, Mr. Koenigsberg, in response to a subpoena served upon you by the House Committee on Un-American Activities?

Mr. KOENIGSBERG. Yes.

Mr. ARENS. Are you represented by counsel?

Mr. KOENIGSBERG. I am.

Mr. ARENS. Kindly identify yourself.

Mr. FRAENKEL. Osmond K. Fraenkel, 120 Broadway, New York City.

Mr. ARENS. And the firm with which you are identified?

Mr. FRAENKEL. I am appearing on my own behalf, not on behalf of the law firm. I am connected with a law firm, but not now on behalf of the law firm.

Mr. ARENS. Tell us the name of the firm.

Mr. FRAENKEL. Hays, St. John, Abramson & Heilbron, of which the late Hon. Arthur Garfield Hays was the senior member.

Mr. ARENS. Give us, if you will, sir, a brief sketch of your personal history. Where were you born and when?

Mr. KOENIGSBERG. I was born in New York City, January 25, 1911.

Mr. ARENS. And a word about your education?

Mr. KOENIGSBERG. I hold the degree of bachelor of arts from Columbia College, a degree of bachelor of laws from the Columbia Law School.

Mr. ARENS. When did you graduate from Columbia?

Mr. KOENIGSBERG. I graduated from college in 1933, and from the law school in 1934.

Mr. ARENS. Did that complete your formal education?

Mr. KOENIGSBERG. I think I started, as I remember I started, a course in an accounting school, but I did not pursue it.

Mr. ARENS. Give us, if you please, just the dates and the places of your employment since you concluded your formal education.

Mr. KOENIGSBERG. I worked in an office in New York for a few months after I graduated from law school. Then I came to Washington. I worked for the Senate committee investigating the munitions industry.

Mr. ARENS. What date was that?

Mr. KOENIGSBERG. It would be approximately the winter of 1934-35, as I remember it.

Mr. ARENS. Was that a special committee investigating the munitions industry?

Mr. KOENIGSBERG. That is correct.

Mr. ARENS. On the Senate side or the House side?

Mr. KOENIGSBERG. The Senate committee investigating the munitions industry.

Mr. ARENS. Who was chairman of that committee?

Mr. KOENIGSBERG. Senator Gerald P. Nye.

Mr. ARENS. Was that committee investigating the industry that produced weapons to defend this country?

Mr. KOENIGSBERG. That was one phase of the investigation at that time; yes.

Mr. ARENS. How did you get your job with the Senate Special Committee on Investigation of the Munitions Industry?

Mr. KOENIGSBERG. As I recall, I applied to a number of agencies for a job, and including the Senate committee. I got a job there.

Mr. ARENS. How did you know there was a prospective vacancy on that committee?

Mr. KOENIGSBERG. It goes back a long time. I am really not quite certain.

Mr. ARENS. Was your job with the Senate committee munitions industry investigation in 1935 procured for you or suggested to you or facilitated for your procurement by any person known by you to be a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. KOENIGSBERG. I have stated I don't recall just how I got that job.

Mr. ARENS. Is that your answer?

Mr. KOENIGSBERG. That is the answer.

Mr. ARENS. Was any person on the staff of that Senate munitions investigation committee in 1935 known by you to be a member of the Communist Party?

Mr. KOENIGSBERG. I am afraid I will have to decline to answer that question on the following grounds: The law authorizing this committee is unconstitutional; as was stated by Judge Clark in the Second Circuit, and by Judge Edgerton of the Court of Appeals for the District of Columbia. The object of this hearing has been specified by the committee as one of exposing individuals.

Mr. ARENS. Are you reading from a paper now?

Mr. KOENIGSBERG. Yes; I am reading from a paper.

Mr. ARENS. Who wrote that manuscript from which you are reading?

Mr. KOENIGSBERG. I did.

Mr. ARENS. Did you consult with any person known by you to be a member of the Communist conspiracy in the process of preparing that manuscript?

Mr. KOENIGSBERG. May I finish this paper?

Mr. ARENS. Just answer that question.

Mr. KOENIGSBERG. I understand it is the practice of the committee to permit a person to state the grounds on why he is declining to answer.

Mr. ARENS. Was that paper prepared by a person known to you to be a member of the Communist conspiracy. Was that paper you are now publicly reading before the Committee on Un-American Activities a protest against this committee prepared by a person known by you to be a member of the Communist conspiracy?

Mr. KOENIGSBERG. I don't regard this paper to be a protest.

Mr. ARENS. Answer the question as to whether or not that paper you are now reading was prepared in whole or in part by a person known by you to be a member of the Communist conspiracy.

(The witness conferred with his counsel.)

Mr. KOENIGSBERG. The answer to that question will depend on the previous question, and you are not letting me answer the previous question.

The CHAIRMAN. You are not answering the question.

Do you decline to answer the question?

Mr. KOENIGSBERG. I am stating the grounds for my declining to answer.

The CHAIRMAN. Do you decline to answer the question?

Mr. KOENIGSBERG. Yes.

The CHAIRMAN. Proceed.

Mr. KOENIGSBERG. I would state the grounds for my declining to answer the question. The object of this hearing has been specified by the committee as one of exposing individuals, which is not a proper legislative function.

The CHAIRMAN. You have been misinformed. You have just put together all of the Commie propaganda in that one sheet. What you have said this minute is not true. If you will look at the first hearing, you will find the object. It is not to expose at all. That cannot be helped if, in its work, we incidentally turn up people like yourself. But we are interested now in trying to ascertain ways and means of protecting our Government from having the same thing happen again, particularly during wartime. We stated the purpose of this hearing very plainly, and what you are reading is certainly not one of the reasons for this inquiry.

Mr. KOENIGSBERG. May I tell you where I got that statement? That statement appears in the annual report of this committee for the year 1955.

The CHAIRMAN. We are talking now about the purpose of this particular hearing.

Mr. KOENIGSBERG. These particular hearings were so characterized in the annual report of the committee for 1955.

The CHAIRMAN. Go ahead and read it.

Mr. KOENIGSBERG. The object of this hearing has been specified by the committee as one of exposing individuals, which is not a proper legislative function.

Mr. KEARNEY. May I interrupt you there?

You mean that the proper legislative function of this committee is not to expose communism in this country?

Mr. KOENIGSBERG. I think the function of this committee is specified in the statute authorizing it, and I don't know that I can add or subtract from that.

The CHAIRMAN. What is in that statute?

Mr. KOENIGSBERG. If there is a statute around here, I will be able to tell you.

The CHAIRMAN. I thought you knew. Go ahead and read it.

Mr. KOENIGSBERG. The question inquires into my beliefs and associations in violation of the first amendment to the Constitution. The question inquires into private affairs unrelated to a valid legislative purpose, and it invades my right to privacy. The inquiry stems from an accusation made against me in connection with mat-

ters which occurred nearly 20 years ago, and the question is not pertinent to any valid legislative purpose. It arises in a context of an accusation made against me in a situation analogous to a criminal investigation and trial, but without the safeguards of such proceeding; in violation of my rights under the due process clause of the fifth amendment to the Constitution. To require me to answer also violates my right under the fifth amendment not to be compelled to be a witness against myself. The similarity of these proceedings and criminal proceedings is also in violation of the constitutional separation of powers which assigns law enforcement functions exclusively to the executive and judicial departments of the Government. The right to be free of an inquiry of this character is further protected by the 9th and 10th amendments to the Constitution, since the Federal Government is one of limited powers which the committee in this question is exceeding. Reserving all other rights available to me, I object to this question and to the extent that the law permits I shall object to any other questions to which any of those grounds apply.

The CHAIRMAN. You say you object to this question? What question is it you are objecting to?

Mr. KOENIGSBERG. I have lost the question now, but I know what these grounds apply to.

The CHAIRMAN. You are objecting to something you do not remember? Tell him what he is objecting to.

Mr. ARENS. He is objecting to the question: whether or not he knew any person to be a Communist on the United States Senate Munitions Investigating Committee when he was on that staff in 1935.

Did that list of objections include an invocation of that provision of the fifth amendment against self-incrimination?

Mr. FRAENKEL. It did.

Mr. KOENIGSBERG. It includes the —

Mr. ARENS. Did this munitions industry investigation to which you were attached, undertake to rout out Communists or was it exclusively to develop facts?

Mr. KOENIGSBERG. I don't quite understand your question.

Mr. ARENS. What was the purpose of the investigation of the munitions industry?

Mr. KOENIGSBERG. The purpose of the investigation was to investigate the munitions industry.

Mr. ARENS. Did you, during the course of your work with that investigative committee, have access to restricted or confidential information?

Mr. KOENIGSBERG. Not that I recall.

Mr. ARENS. How long were you with that committee?

Mr. KOENIGSBERG. I was with that committee for about 2 years, I guess.

Mr. ARENS. That gets us up to about 1937?

Mr. KOENIGSBERG. 1936 or 1937.

Mr. ARENS. Pick it up there, if you please, Mr. Koenigsberg. What was your next employment?

Mr. KOENIGSBERG. I next worked for the Senate Wheeler committee which was investigating railroad finance and reorganization.

Mr. ARENS. Who were some of the staff members on that committee?

Mr. KOENIGSBERG. Mr. Max Lowenthal was the counsel to the committee.

Mr. ARENS. Can you recall other employees who were on that committee staff with you?

Mr. KOENIGSBERG. Are you going to suggest somebody?

Mr. ARENS. You suggest them. You were there and I was not.

Mr. KOENIGSBERG. This goes back about 20 years, Mr. Arens.

Mr. ARENS. I think you can probably come up with another name if you try real hard. Who else was on that staff with you? Think real hard. Maybe I can help you with one name. Let me try a name and see if it helps you out. Did you know a person on that staff by the name of James E. Gorham?

Mr. KOENIGSBERG. I refuse to answer that question on the grounds I have stated.

Mr. ARENS. Let us see if you can think of someone else who was on that staff with you. I recognize that is back in 1937 and it is probably hard to remember. Were there others on the staff beside this man you have identified and the man that I have identified as James Gorham?

Mr. KOENIGSBERG. I don't know that I have identified anybody as James Gorham.

Mr. ARENS. I say the man I have identified as James Gorham. Can you think of anyone else who was on that staff; that is, besides you and the staff director?

Mr. KOENIGSBERG. Excuse me a minute.

(The witness conferred with his counsel.)

Mr. KOENIGSBERG. Mr. Telford Taylor was on the staff of the committee. Mr. John F. Davis was on the staff of the committee.

Mr. KEARNEY. Telford Taylor?

Mr. KOENIGSBERG. Yes.

Mr. KEARNEY. Who else?

Mr. KOENIGSBERG. Mr. John F. Davis was on the staff of the committee.

Mr. ARENS. How about a man by the name of Herbert Fuchs? Does the name Herbert Fuchs ring a bell?

Mr. KOENIGSBERG. I decline to answer that question.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that you were a member of a Communist Party cell when you were working for the Senate Wheeler committee in 1937, which consisted among other persons of yourself, James Gorham, and Herbert Fuchs.

Mr. WILLIS. All employees of that committee?

Mr. ARENS. Yes.

Mr. KOENIGSBERG. I have already told you, Mr. Arens, that I would refuse to answer questions from this committee to the extent that the law permits, and I decline to answer this question.

Mr. ARENS. Why do you decline to tell this committee whether or not Herbert Fuchs and James Gorham were on that committee staff with you?

Mr. KOENIGSBERG. I already stated the grounds.

Mr. ARENS. Do you honestly apprehend that if you told this committee truthfully whether or not these men were on that committee staff with you, you would be supplying information which would be used against you in a criminal proceeding?

(Witness conferred with his counsel.)

Mr. KOENIGSBERG. Under the Emspak case of the United States Supreme Court. I object to that question.

The CHAIRMAN. Do you decline to answer the question?

Mr. ARENS. I respectfully suggest, Mr. Chairman, he be ordered and directed to answer the question.

The CHAIRMAN. You are directed to answer the question.

Mr. KOENIGSBERG. Mr. Chairman, the Supreme Court has held that if the specific—

The CHAIRMAN. Do you decline to answer the question?

Mr. KOENIGSBERG. I have not yet declined. I have raised an objection.

The CHAIRMAN. You do not object to the questions; you decline to answer them.

Mr. KOENIGSBERG. It seems to me the Supreme Court said that objections are to be raised—

The CHAIRMAN. Do you decline to answer that question?

Mr. KOENIGSBERG. Yes.

The CHAIRMAN. On what grounds?

Mr. KOENIGSBERG. On the grounds that the committee may not require me to disclose the reason for my invocation of the privilege not to be a witness against myself.

Mr. ARENS. We are not asking you to disclose the reason. We are asking to find out whether or not you are using the fifth amendment capriciously, or whether or not on the other hand you honestly do apprehend that a truthful answer to the question would incriminate you. You know that is the only reason why we are asking that question. Please answer the question.

(Witness conferred with his counsel.)

Mr. KOENIGSBERG. I don't think you have a right to inquire into that, Mr. Arens.

Mr. ARENS. Do you decline to answer the question?

Mr. KOENIGSBERG. I do decline to answer the question.

Mr. ARENS. Did you, in the course of your employment on the Wheeler committee in 1937, know a person by the name of Ellis George Olim?

Mr. KOENIGSBERG. I did.

Mr. ARENS. Do you know whether or not he was a Communist?

Mr. KOENIGSBERG. I decline to answer that question.

Mr. ARENS. What was the nature of your acquaintanceship with Ellis Olim?

Mr. KOENIGSBERG. It was very casual. I have no recollection.

Mr. ARENS. Where was he employed?

Mr. KOENIGSBERG. I believe he was employed with the Interstate Commerce Commission.

Mr. ARENS. Was he on loan to the Wheeler committee?

Mr. KOENIGSBERG. I really don't recall.

Mr. ARENS. Did you ever serve in any group or organization of which he was a member?

Mr. KOENIGSBERG. I decline to answer that question.

Mr. ARENS. Let us get to your next employment, please. We have just concluded your employment in 1937 with the Senate Wheeler committee, that is, the Subcommittee To Investigate Railroads, Holding Companies, and Related Matters. What was your next employment?

Mr. KOENIGSBERG. My next employment was—

Mr. ARENS. You went to the Department of Agriculture in 1937, didn't you?

Mr. KOENIGSBERG. I think I was on the payroll of the Department of Agriculture, on loan to the Wheeler committee. That is the Senate committee investigating the railroad financing and investigation.

Mr. ARENS. Let us get to 1938. You were with the Securities and Exchange Commission as an attorney, were you not?

Mr. KOENIGSBERG. I believe I was; yes.

Mr. ARENS. Was that employment procured or facilitated in any way by a person known by you to be a member of the Communist Party?

Mr. KOENIGSBERG. I have already told you that I would decline to answer questions of this character on the grounds I have stated.

Mr. ARENS. Do not use a blanket declination. Do you decline to answer that question because you feel if you gave a truthful answer you would be supplying information which could be used against you in a criminal proceeding?

Mr. KOENIGSBERG. I decline on the several grounds I have previously stated.

Mr. ARENS. Do you honestly apprehend that if you told us whether or not your employment in the SEC was obtained for you by a person known by you to be in the Communist conspiracy, you would be furnishing information which could be used against you in a criminal proceeding?

Mr. KOENIGSBERG. I decline to answer the question.

Mr. ARENS. I respectfully suggest that he be directed to answer the question.

Mr. KOENIGSBERG. I decline to answer the question.

Mr. ARENS. What was your next employment after SEC?

Mr. KOENIGSBERG. I was with SEC for about 10 years, I guess.

Mr. ARENS. You left in 1948?

Mr. KOENIGSBERG. Yes; to enter private practice.

Mr. ARENS. Both Mr. Fuchs and Mr. Gorham identified you as a member of the Communist Party. Were they lying or telling the truth to this committee?

Mr. KOENIGSBERG. I decline to answer that question.

Mr. ARENS. During the course of your employment in the Federal Government, did you ever sign a loyalty oath?

Mr. KOENIGSBERG. What do you mean by a loyalty oath?

Mr. ARENS. I lay before you a photostatic copy of a document entitled, "Personal History Statement" with a signature at the end of it, "Samuel M. Koenigsberg," and ask if you can identify that signature. (Document handed witness.)

(Witness conferred with his counsel.)

Mr. ARENS. Can you say whether or not that is your signature? I am not asking you to read the entire document. Is that your signature?

Mr. KOENIGSBERG. I decline to answer that question.

Mr. ARENS. I put it to you as a fact—

Mr. KEARNEY. Counsel, is that after reading the entire photostatic copy that he declined to answer the question?

Mr. KOENIGSBERG. I skimmed through it; yes.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that that is your signature to this document dated July 1943.

Mr. KOENIGSBERG. I have declined to answer that question, and I do decline to answer the question.

Mr. ARENS. I invite your attention to question 26, in this particular photostatic copy of the personal history statement, which reads as follows:

Are you a member of any Communist or German Bund organization or any political party or organization which advocates the overthrow of our constitutional form of government in the United States or do you have membership in, or any affiliation with, any group, association, or organization which advocates, or lends support to any organization or movement advocating, the overthrow of our constitutional form of government in the United States?

After that question is a "No." Did you put the "No" there in answer to question No. 26?

Mr. KOENIGSBERG. I decline to answer that question.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact that you did put the "No" to the question?

Mr. KOENIGSBERG. I decline to answer the question.

Mr. ARENS. Do it again.

Mr. KOENIGSBERG. I decline to answer the question.

Mr. ARENS. Were you a member of the Communist conspiracy at the time you filled out your personal history statement for your job in 1943?

Mr. KOENIGSBERG. As I understand your use of the term, I decline to answer the question.

Mr. ARENS. What qualifications would you make on the use of the term? Don't you like the term "Communist conspiracy"?

Mr. KOENIGSBERG. I am saying with respect to my understanding of that term, I decline to answer the question.

Mr. ARENS. Do you think it would be a little nicer to say Communist Party?

Mr. KOENIGSBERG. I am not suggesting the question.

Mr. ARENS. We will change it. Were you a member of the Communist Party at the time you filled out that personal history statement form in 1943?

Mr. KOENIGSBERG. I decline to answer that question.

Mr. ARENS. Then it would not make any difference whether it is Communist conspiracy or Communist Party from the standpoint of your answer, would it?

Were you associated with the American League for Peace and Democracy?

Mr. KOENIGSBERG. I decline to answer that question.

Mr. ARENS. Were you aware of the existence of a Communist Party cell in the SEC in 1948?

Mr. KOENIGSBERG. I decline to answer that question.

Mr. ARENS. Why?

Mr. KOENIGSBERG. I decline to answer that question.

Mr. ARENS. I respectfully suggest that he be ordered and directed to answer the question as to why.

The CHAIRMAN. You are directed to answer the question.

Mr. KOENIGSBERG. I decline to answer that question on the several grounds I have previously stated.

Mr. ARENS. Were you a member of the Marian Anderson Citizens Committee?

Mr. KOENIGSBERG. Did somebody say I was?

Mr. ARENS. Yes, sir.

Mr. KOENIGSBERG. I decline to answer that question.

Mr. ARENS. Were you a member of the Washington Bookshop?

Mr. KOENIGSBERG. I decline to answer that question.

Mr. ARENS. A member of the Washington Committee for Democratic Action?

Mr. KOENIGSBERG. I decline to answer that question.

Mr. ARENS. Do you know a person by the name of Morton Stavis?

Mr. KOENIGSBERG. I do.

Mr. ARENS. Do you know his wife, Esther Stavis?

Mr. KOENIGSBERG. I do.

Mr. ARENS. Tell us, please, the nature of your acquaintanceship with them.

Mr. KOENIGSBERG. I knew Mr. Stavis slightly at law school. I knew him in Washington.

Mr. ARENS. Do you remember where he worked in Washington?

Mr. KOENIGSBERG. Where did he work?

Mr. ARENS. Yes.

Mr. KOENIGSBERG. I believe he worked at the Social Security Board.

Mr. ARENS. Where does he live?

Mr. KOENIGSBERG. Where does he live now?

Mr. ARENS. Yes.

Mr. KOENIGSBERG. He lives in Elizabeth.

Mr. ARENS. Elizabeth, N. J.?

Mr. KOENIGSBERG. New Jersey.

Mr. ARENS. When did you last see him?

Mr. KOENIGSBERG. I saw him at his home 2 days ago, I believe.

Mr. ARENS. You were at his home 2 days ago?

Mr. KOENIGSBERG. Yes.

Mr. ARENS. Was his wife there?

Mr. KOENIGSBERG. She was.

Mr. ARENS. What occasioned your visit to his home?

Mr. KOENIGSBERG. A social visit.

Mr. ARENS. Exclusively social?

Mr. KOENIGSBERG. Yes.

Mr. ARENS. Are you being completely frank now with the committee?

Mr. KOENIGSBERG. My answer was it was completely social.

Mr. ARENS. Did you discuss the proposed hearings by the House Committee on Un-American Activities during the course of this social visit?

Mr. KOENIGSBERG. I did.

Mr. ARENS. Then it got a little bit off the social tangent, didn't it?

Mr. KOENIGSBERG. No. People can discuss hearings before the House Committee on Un-American Activities.

Mr. ARENS. Did you discuss with Mr. Stavis the document which you prepared and read to this committee a little while ago?

Mr. KOENIGSBERG. I don't think so.

Mr. ARENS. Did Mr. Stavis tell you he had been a witness before the House Committee on Un-American Activities?

Mr. KOENIGSBERG. He did.

Mr. ARENS. Did you know Mr. Stavis as a member of the Communist conspiracy?

Mr. KOENIGSBERG. I decline to answer that question, Mr. Arens.

Mr. ARENS. Did you discuss with Stavis the testimony you are giving here today before this committee?

Mr. KOENIGSBERG. I decline to answer that question.

Mr. SCHERER. I ask that he be directed to answer that question.

The CHAIRMAN. You are directed to answer the question.

Mr. SCHERER. The question is not what he said, but whether he discussed it.

(Witness conferred with his counsel.)

Mr. KOENIGSBERG. I beg your pardon.

The CHAIRMAN. You were directed to answer.

Mr. KOENIGSBERG. I decline to answer on the grounds I have previously stated.

Mr. ARENS. Were you ever the subject of a loyalty investigation?

Mr. KOENIGSBERG. I decline to answer on the grounds I have previously stated.

Mr. ARENS. I respectfully suggest, Mr. Chairman, he be ordered and directed to answer that question.

The CHAIRMAN. You are directed to answer the question.

(Witness conferred with his counsel.)

Mr. KOENIGSBERG. I respectfully decline to answer that on the grounds I have previously stated.

Mr. KEARNEY. If you were not the subject of a loyalty investigation, would you so inform the committee?

Mr. KOENIGSBERG. It seems to me, sir, you are trying to get me to waive my privilege with that question.

Mr. KEARNEY. I am not asking you to waive anything. I am simply asking a question.

Mr. KOENIGSBERG. I understand you are asking me a question, but it seems to me a question designed to get me to waive my privilege, and I decline to answer that question.

Mr. KEARNEY. Do you decline to answer that question?

Mr. KOENIGSBERG. I do, yes.

Mr. ARENS. What occasioned your disassociation from the Federal Government.

Mr. KOENIGSBERG. I got an offer of a job elsewhere.

Mr. ARENS. Is that the exclusive and sole reason why you left the Federal Government?

Mr. KOENIGSBERG. There are a number of factors connected with it. I didn't like the job with the Government too much. It was difficult, and I was out of town a good bit of the time. I did not know whether there was any future in it. One of the reasons I came up to New York from the Commission's headquarters was to make contacts with lawyers in private practice.

Mr. ARENS. Was it because the security boys were breathing hot on your neck in 1948?

Mr. KOENIGSBERG. I decline to answer that question.

Mr. ARENS. That is at least part of the reason why you left the Government, is it not?

Mr. KOENIGSBERG. I decline to answer that question.

Mr. KEARNEY. Mr. Chairman, I would like to ask a question.

You said there was no future in serving the Government?

Mr. KOENIGSBERG. I didn't say that, Mr. Kearney.

Mr. KEARNEY. Well, your job, then.

Mr. KOENIGSBERG. I said it seemed to me at the time there was no future on that particular job.

Mr. KEARNEY. Can you answer this question? Is there a future in serving the Communist Party?

Mr. KOENIGSBERG. I decline to answer that question.

Mr. ARENS. We have concluded our interrogation, Mr. Chairman.

The CHAIRMAN. Are there any questions?

Mr. WILLIS. No questions.

Mr. KEARNEY. No questions.

Mr. SCHERER. Mr. Witness, how well did you know Telford Taylor?

Mr. KOENIGSBERG. I did not know him too well. He was in New York most of the time, and I was in Washington most of the time.

Mr. SCHERER. How did you happen to know him?

Mr. KOENIGSBERG. I guess he came down to Washington on a matter or I went up to New York.

Mr. SCHERER. That is, while you two were employees of the Government.

Mr. KOENIGSBERG. Yes.

Mr. SCHERER. What job did he have? I believe you told us, but I forgot.

Mr. KOENIGSBERG. He was an attorney on the staff.

Mr. SCHERER. What staff?

Mr. KOENIGSBERG. The staff of the Senate committee investigating the munitions industry. I am sorry, strike that out. The staff of that Senate committee investigating railroad financing and reorganization.

Mr. SCHERER. Who was the chairman of that subcommittee at that time?

Mr. KOENIGSBERG. Senator Burton K. Wheeler. I believe he was chairman of the subcommittee.

Mr. SCHERER. Did you know Telford Taylor in any other way than as a fellow employee?

Mr. KOENIGSBERG. That is the only way.

Mr. SCHERER. I did not hear you.

Mr. KOENIGSBERG. That is the only way.

Mr. SCHERER. I have no further questions.

The CHAIRMAN. If there are no further questions, the witness is excused.

Call your next witness.

Mr. ARENS. If you please, Mr. Chairman and members of the committee, either Miss or Mrs. Marie Prince.

The CHAIRMAN. I think we will take a 5-minute break at this point. (Members present at the time of taking the recess were the chairman, and Messrs. Scherer, Kearney, and Willis.)

(Brief recess.)

(Members present following the taking of the recess were the chairman, and Messrs. Scherer, Kearney, and Willis.)

The CHAIRMAN. The committee will be in order. Call you witness.

Mr. ARENS. Mrs. Prince or Miss Prince.

Mr. BOUDIN. Miss Prince.

Mr. ARENS. Please remain standing and raise your right hand.

The CHAIRMAN. Do you swear the testimony you are about to give to this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss PRINCE. I do.

**TESTIMONY OF MARIE PRINCE, ACCOMPANIED BY COUNSEL,
LEONARD B. BOUDIN**

Mr. ARENS. Please keep your voice up so you may be heard by the members of the committee.

Kindly identify yourself by name, residence and occupation.

Miss PRINCE. My name is Marie Prince, residence 2680 Broadway, New York City. I am a stenographer.

Mr. ARENS. Where are you employed?

Miss PRINCE. I am presently employed in the office of Harry Bender, an attorney in New York City.

Mr. ARENS. Have you testified before the House Committee on Un-American Activities in executive session in the course of the last several days?

Miss PRINCE. I have.

Mr. ARENS. Miss Prince, we will not, therefore, request you to detail the background that we ordinarily request of witnesses, because we already have it on the executive session record. I will ask you to tell us whether or not you have ever been employed by the Federal Government.

Miss PRINCE. I was, by the Veterans' Administration, and I believe that was in 1937, for a 6-month period, and thereafter by the National Labor Relations Board.

Mr. ARENS. Did you in the course of your employment in the National Labor Relations Board know a person by the name of Harry Cooper?

Miss PRINCE. I decline to answer on the ground of my constitutional privilege under the fifth amendment.

Mr. ARENS. Do you honestly feel, Miss Prince, that if you told this committee truthfully whether or not you have known a person by the name of Harry Cooper, while you were employed by the National Labor Relations Board, you would be supplying information which could be used against you in a criminal proceeding?

Miss PRINCE. I honestly so feel.

Mr. ARENS. I lay before you a photostatic copy of a document entitled "Personal History Statement," dated July 29, 1937, on which a signature appears "Marie Prince," and ask you if you can identify that signature.

(Document handed to witness.)

(Witness conferred with her counsel.)

Mr. ARENS. Mr. Boudin, I forgot to ask you to identify yourself.

Mr. BOUDIN. I have given the reporter my name and address. It is Leonard Boudin, 25 Broad Street, New York, N. Y.

Miss PRINCE. That is my signature.

Mr. ARENS. Did you fill out the original of which this document is a photostatic copy?

Miss PRINCE. I did.

Mr. ARENS. I invite your attention specifically, Miss Prince, to the affidavit which appears immediately prior to your signature on this document.

I, Marie Prince, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and I take this obligation freely, without any mental reservation or purpose of evasion, and that I will

well and faithfully discharge the duties of the office on which I am about to enter; so help me God.

Did you take that affidavit?

Miss PRINCE. I did.

Mr. ARENS. As of the time you took that affidavit, July 29, 1937, did you have any mental reservations?

Miss PRINCE. I had no mental reservations.

Mr. ARENS. As of the time you took that affidavit were you a member of the Communist Party?

Miss PRINCE. I decline to answer on the grounds I have stated.

Mr. ARENS. Do you feel that if you gave a truthful answer to that question you would be supplying information which could be used against you in a criminal proceeding?

Miss PRINCE. I so feel.

Mr. KEARNEY. I would like to ask about that portion of the oath which stipulates "without any mental reservation, or purpose of evasion."

If you were a member of the Communist Party, could you in justice take such an oath?

(Witness conferred with her counsel.)

Miss PRINCE. I decline to answer on the grounds stated.

Mr. KEARNEY. In other words, when you took that oath, you did have mental reservations, is that not so?

Miss PRINCE. I had no mental reservations.

Mr. ARENS. During the course of your employment in the National Labor Relations Board, did you know a person by the name of Martin Kurasch?

Miss PRINCE. I decline to answer on the grounds I have stated.

Mr. ARENS. May I read a list of persons to you and ask if you knew them? Did you know persons by the names of Martin Kurasch, David and Selma Rein, Bernard Stern, Rose Eden, Herbert Fuchs, Helen Himmelfarb?

Miss PRINCE. I decline to answer on the grounds stated.

Mr. ARENS. Is your declination applicable to each and every name I have called?

Miss PRINCE. It is.

Mr. ARENS. Do you honestly feel that if you told this committee truthfully whether or not while you were employed with the National Labor Relations Board you knew any of these persons I have just enumerated, you might be supplying information which might be used against you in a criminal proceeding?

Miss PRINCE. I honestly so feel.

Mr. ARENS. When you were in Cleveland, Ohio, were you identified with an organization, the Progressive Citizens Committee of Cleveland?

Miss PRINCE. I was.

Mr. ARENS. Tell us about that committee. What was it?

Miss PRINCE. It is a political party which appeared on the various election laws that was organized at that time.

Mr. ARENS. When was it that you were identified with the Progressive Citizens Committee of Cleveland?

Miss PRINCE. 1938.

Mr. ARENS. Was it controlled by the Communist Party?

Miss PRINCE. I decline to answer on the grounds I have stated.

Mr. ARENS. Have you ever been connected with the American League for Peace and Democracy?

Miss PRINCE. I decline to answer on the grounds I have stated.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that while you were in the National Labor Relations Board, you were a member of the Communist Party cell consisting of yourself and those persons whose names I read to you a few moments ago.

Miss PRINCE. I decline to answer on the grounds I have already stated.

Mr. ARENS. Are you now a member of the Communist Party?

Miss PRINCE. I decline to answer on the grounds I have stated.

Mr. ARENS. Mr. Chairman, that will be all of the questions the staff wishes to pose to this witness.

The CHAIRMAN. Are there any questions? If not, the witness is excused.

Mr. ARENS. If you please, Mr. Chairman, the last witness for this public hearing will be Mr. Morton Friedman. Will you kindly come forward.

The CHAIRMAN. Will you raise your right hand, please?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FRIEDMAN. I do.

**TESTIMONY OF MORTON FRIEDMAN, ACCOMPANIED BY COUNSEL,
LEONARD B. BOUDIN**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. FRIEDMAN. Morton Friedman, 4212 216th Street, Bayside, N. Y., attorney.

Mr. ARENS. Are you appearing today in response to a subpoena which was served on you by the House Committee on Un-American Activities?

Mr. FRIEDMAN. That is correct.

Mr. ARENS. Are you represented by counsel?

Mr. FRIEDMAN. Mr. Leonard Boudin.

Mr. ARENS. Will counsel identify himself.

Mr. BOUDIN. The name stated by the witness is correct, at 25 Broad Street, New York.

Mr. ARENS. Give us a statement respecting your background; where were you born?

Mr. FRIEDMAN. New York City.

Mr. ARENS. When?

Mr. FRIEDMAN. November 30, 1910.

Mr. ARENS. Where were you educated?

Mr. FRIEDMAN. In New York City. I went to the public schools and high school. I went to St. Johns College, Brooklyn, N. Y., School of Law, and I received an LL. B. in 1932, and an LL. M. from St. Johns University College of Law in 1934.

Mr. ARENS. Give us, if you please, a succinct chronological sketch of the employment which you have had since you concluded your formal education.

Mr. FRIEDMAN. My employment started long before I completed my formal education, which was done mostly at night. I worked in

a bank from 1927 to sometime in 1935, and I am not sure of all the dates because this was a long time ago. In the fall of 1935 I left that job, and I worked in the Federal Government from 1935 to about the fall of 1944. Again the dates are vague in my mind. It has been a long time ago.

Mr. ARENS. Are you a member of the bar of any State?

Mr. FRIEDMAN. New York.

Mr. ARENS. Were you employed in the Works Projects Administration in 1935 in Washington, D. C.

Mr. FRIEDMAN. That is correct, sir.

Mr. ARENS. Did that employment with WPA continue until 1939?

Mr. FRIEDMAN. Actually I think it was until sometime in 1941 or 1942, although the WPA became the Federal Works Agency. But there again the dates, if you have them more accurately than I have, you are probably correct, but that is about my recollection.

Mr. ARENS. In 1942 you were with the Office of Emergency Management in Washington, were you not?

Mr. FRIEDMAN. That is correct.

Mr. ARENS. In what capacity did you serve?

Mr. FRIEDMAN. I forget what my title was, but it was in the personnel department in charge of wage scales for a division of the Office of Emergency Management, personnel classification in accordance with the classification system of the Civil Service Commission.

Mr. ARENS. I lay before you a photostatic copy of a document, Mr. Friedman, bearing a signature at the end of it, "Morton Friedman" and ask you if you can identify that signature for us.

(Document handed to witness.)

(Witness conferred with counsel.)

Mr. FRIEDMAN. I respectfully decline to answer that question.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact that that is your signature to this document.

Mr. FRIEDMAN. I respectfully decline to answer that question.

Mr. ARENS. Why?

Mr. FRIEDMAN. On the grounds that the question violates my rights under the first amendment to the Constitution——

Mr. ARENS. The question could not possibly violate your rights.

Mr. FRIEDMAN. And under the fifth amendment to the Constitution.

Mr. ARENS. Do you honestly apprehend that if you told this committee truthfully whether or not this is your signature on the document I have just displayed to you, you would be supplying information which could be used against you in a criminal proceeding?

Mr. FRIEDMAN. I honestly feel that the Constitution does not require any person to be a witness against himself.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer the question as to whether or not he honestly apprehends, if he would identify this signature he would be giving information which could be used against him in a criminal proceeding.

The CHAIRMAN. What does the document purport to be?

Mr. ARENS. A photostatic copy of an application for Federal employment signed by Morton Friedman.

The CHAIRMAN. You are directed to answer the question, Mr. Friedman.

(Witness conferred with his counsel.)

Mr. FRIEDMAN. I would decline to answer that question on the grounds of the fifth amendment, Mr. Chairman.

Mr. ARENS. I invite your attention, Mr. Friedman, to question No. 17 on this document,

Do you advocate or have you ever advocated, or are you now or have you ever been a member of any organization that advocates the overthrow of the United States by force and violence?

There is an "X" appearing under the column "No." Did you cause that "X" to be inserted at column "No" in answer to question No. 17?

Mr. FRIEDMAN. I decline to answer that question.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that you did put that "X" in the column "No" on the question that I just read to you, from this application for Federal employment?

Mr. FRIEDMAN. I decline to answer that question.

Mr. ARENS. Mr. James E. Gorham testified before this committee under oath that while you were in the WPA in 1936, he, Gorham, knew you, Morton Friedman, to be a member of the Communist Party. Was he lying or was he telling the truth?

Mr. FRIEDMAN. I decline to answer that question.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. FRIEDMAN. I decline to answer that question.

Mr. ARENS. What caused your disassociation from the Federal Government?

(Witness conferred with his counsel.)

Mr. FRIEDMAN. I decline to answer that question.

Mr. ARENS. The truth is you were removed as a security risk; isn't that so?

(Witness conferred with his counsel.)

Mr. FRIEDMAN. I decline to answer the question.

Mr. ARENS. Did you ever institute a proceeding to cause yourself to be reinstated in a job with the Federal Government?

(Witness conferred with his counsel.)

Mr. FRIEDMAN. I have already testified in executive session that I was a plaintiff in an action entitled "Friedman against McNutt," which was later changed to "Friedman against Schwellenbach," and the case has been reported. It went up to the Supreme Court and certiorari was denied. It was decided in the circuit court for this circuit. It was a well known case.

Mr. ARENS. When was the decision announced?

Mr. FRIEDMAN. I am not certain of the date. I think roughly in 1946 or 1947.

Mr. ARENS. It was in March of 1947, wasn't it?

Mr. FRIEDMAN. The circuit court, around that time.

Mr. ARENS. When the writ of certiorari was denied in 1947, that was the last proceeding in this case, was it not?

Mr. FRIEDMAN. I would think so.

Mr. ARENS. The net result of the proceeding was that the courts confirmed the action of the United States Civil Service Commission in removing you as a security risk from the Government; is that correct?

Mr. FRIEDMAN. I think that that decision speaks for itself.

Mr. ARENS. Have you ever been identified with the American League for Peace and Democracy?

Mr. FRIEDMAN. I decline to answer that question.

Mr. ARENS. Have you ever been affiliated with the American Peace Mobilization?

Mr. FRIEDMAN. Same answer.

Mr. ARENS. Have you ever been connected with the United Federal Workers of America?

Mr. FRIEDMAN. Same answer.

Mr. ARENS. Have you ever been connected with the Marian Anderson's Citizens Committee?

Mr. FRIEDMAN. Excuse me?

Mr. ARENS. The Marian Anderson's Citizens Committee.

Mr. FRIEDMAN. The same answer.

Mr. ARENS. Were you a member of the Communist Party while you were employed by the United States Government in the position of classification analyst in the Office of Emergency Management?

Mr. FRIEDMAN. I decline to answer that question, sir.

Mr. ARENS. Have you been a member of the Washington Committee for Democratic Action?

Mr. FRIEDMAN. I decline to answer the question.

Mr. ARENS. Have you been a member of the Washington Industrial Union Council?

Mr. FRIEDMAN. I decline to answer that question.

Mr. KEARNEY. Are you now a member of the Communist Party?

Mr. FRIEDMAN. I decline to answer.

Mr. KEARNEY. If you were not a member of the Communist Party, would you so state to this committee?

Mr. FRIEDMAN. I decline to answer that question.

Mr. ARENS. While you were with the Federal Government did you know a person by the name of Edna Richter?

Mr. FRIEDMAN. I decline to answer that question, as I did in executive session.

Mr. ARENS. Sidney Katz?

Mr. FRIEDMAN. The same answer.

Mr. ARENS. Bernard Greenberg?

Mr. FRIEDMAN. Same answer.

Mr. ARENS. Marcel Kistin?

Mr. FRIEDMAN. Same answer.

Mr. ARENS. Irving Richter?

Mr. FRIEDMAN. Same answer.

Mr. ARENS. Rebecca Pfefferman?

Mr. FRIEDMAN. Same answer.

Mr. ARENS. Were you ever a member of the National Lawyers Guild?

(Witness conferred with his counsel.)

Mr. FRIEDMAN. I am now a member.

Mr. ARENS. You are now a member of the National Lawyers Guild?

Mr. FRIEDMAN. Yes.

Mr. ARENS. How long have you been a member?

Mr. FRIEDMAN. About seven or eight years.

Mr. ARENS. Have you ever held an office or post in the National Lawyers Guild?

Mr. FRIEDMAN. No.

Mr. ARENS. Were you a member of the National Lawyers Guild at any time while you were employed by the Federal Government?

Mr. FRIEDMAN. No.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

The CHAIRMAN. Are there any questions?

Mr. WILLIS. No questions.

Mr. KEARNEY. I would like to ask a question.

I did not catch your full name when you gave it to the reporter.

Mr. BOUDIN. I did not know you were looking at me.

Mr. KEARNEY. I am not looking at you.

Mr. BOUDIN. You are looking at the witness?

Mr. KEARNEY. That is right, unless I am cross-eyed.

Mr. FRIEDMAN. I am Morton Friedman.

Mr. KEARNEY. And you come from Bayside, Long Island?

Mr. FRIEDMAN. That is correct.

Mr. KEARNEY. The only observation I would like to make is that at least we have gotten two answers from him.

The CHAIRMAN. That is better than the average.

For the past 2 weeks, this committee has listened to testimony about infiltration of the Government of the United States by members of the Communist conspiracy.

There have appeared here a number of persons identified as having been active participants in this Communist conspiracy in the Government at one time. Even today, they are not moved sufficiently by loyalty or patriotism to give their country the knowledge which they possess about the way this Communist conspiracy operated.

We have not held these hearings for the purpose of exposing anyone as a member of the Communist conspiracy. If people have been stigmatized as a result of their appearance here, it is because they have refused, in effect, to renounce their affiliation with the conspiracy to which they belonged.

These hearings have shown how these people were able to gain access to important levels of Government; how they were able to remain—even to flourish—in the Government, although their double role as Communists was not a secret.

One of the most appalling things to emerge from these hearings is the picture of a shocking indifference which enabled these people to pursue their objectives within the very Government of the United States.

Throughout these hearings, I could not help reflecting again and again on one fact: At the very time these people were actively promoting the Communist program, other Americans were dying on battlefields around the world in order to preserve the freedom and the institutions which these Communist conspirators were deliberately laboring to destroy. And while many of those who fought for their country can no longer raise a voice, these men and women who betrayed them are able to sit here and defy the Congress and the people of this Nation by pleading the fifth amendment, and refuse, even now, to join with loyal Americans to help make this country secure.

Most of this testimony has dealt with a period covering a number of years ago. But there is no reason to believe that the Communist attempts to infiltrate the Government have ceased, or that we are now safe from the menace of Communist conspirators in the public employ. We know that when one method of operation is uncovered and thereby made useless, the Communists quickly form another to take its place.

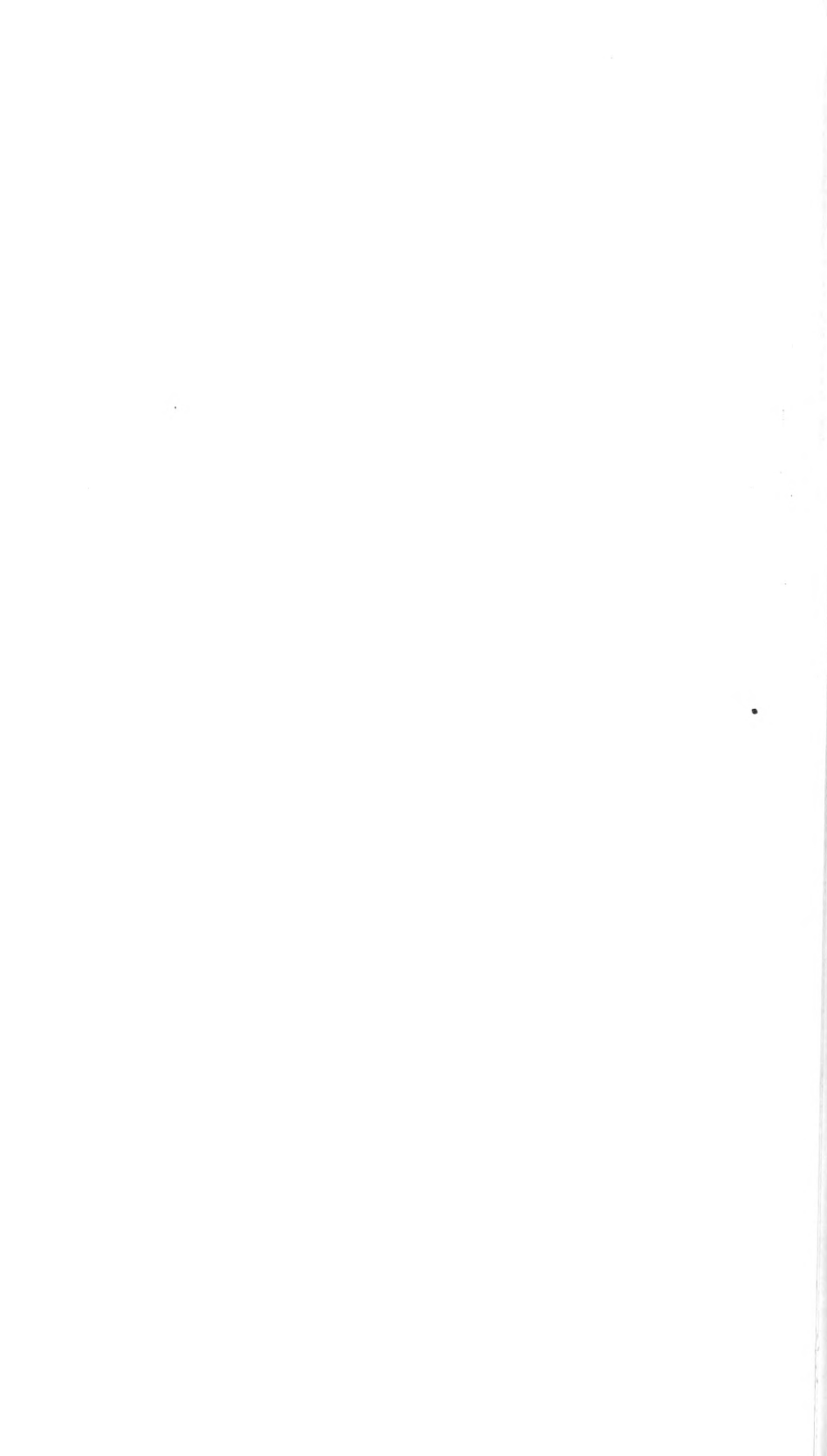
We can be sure that infiltration of the Government is still a primary objective of the international Communist conspiracy.

This committee is continuing its investigations of this area of the Communist conspiracy, with a view to legislative action regarding people who have committed a fraud upon the United States by serving in its Government while, at the same time, they served a foreign, hostile power.

These hearings have shown again that the Communist conspiracy does not relax for a moment in its efforts to destroy this Nation. If we wish to survive as a free people, we in turn cannot relax in our efforts to destroy the Communist conspiracy, and disarm those who willingly abet it.

The committee is adjourned. There will be an executive session in the committee offices.

(The public hearing was adjourned at 4:10 p. m., Thursday, March 1, 1956, subject to the call of the Chair. Members present were Representatives Walter (chairman), Kearney, Scherer, and Willis.)



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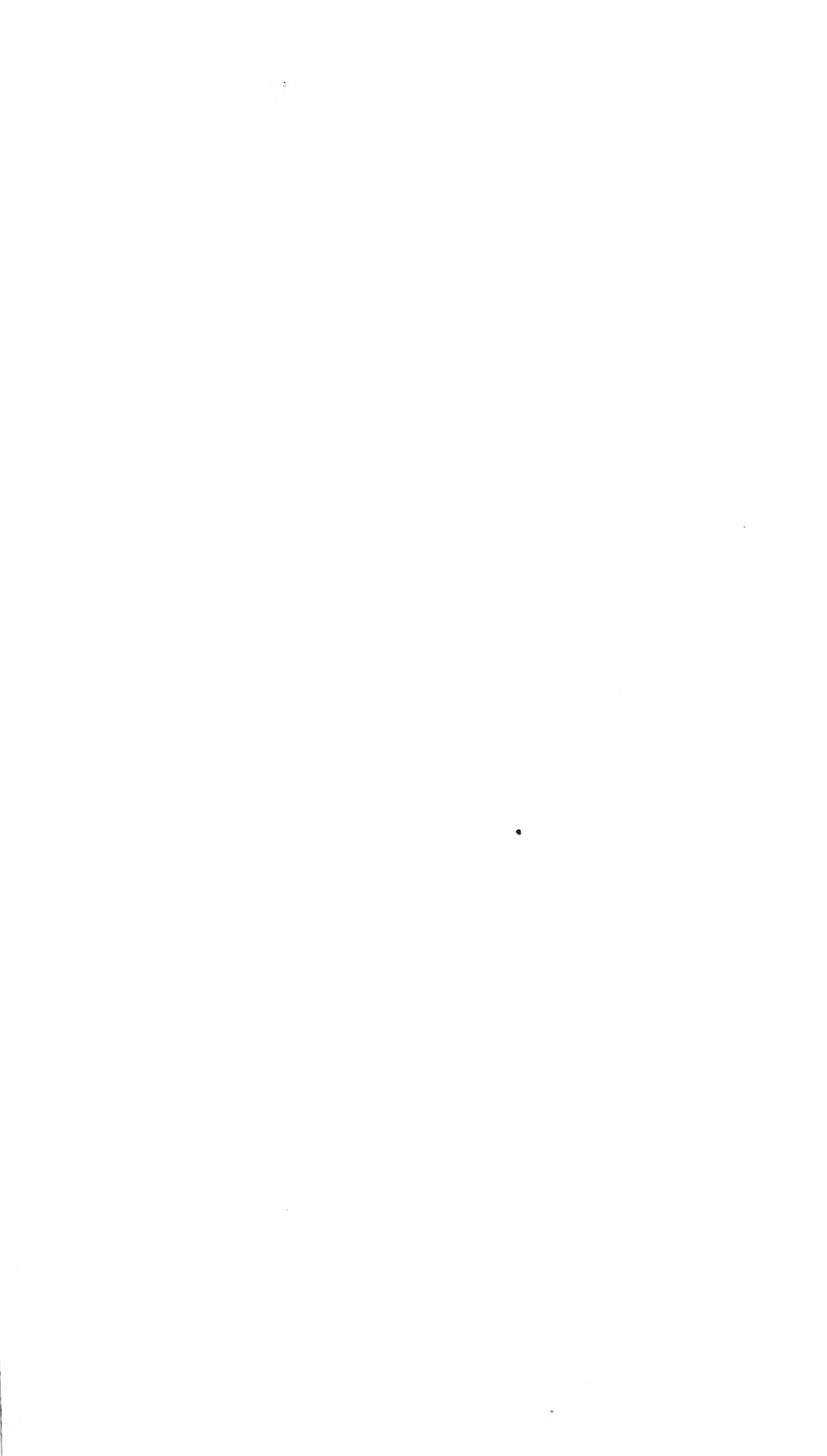
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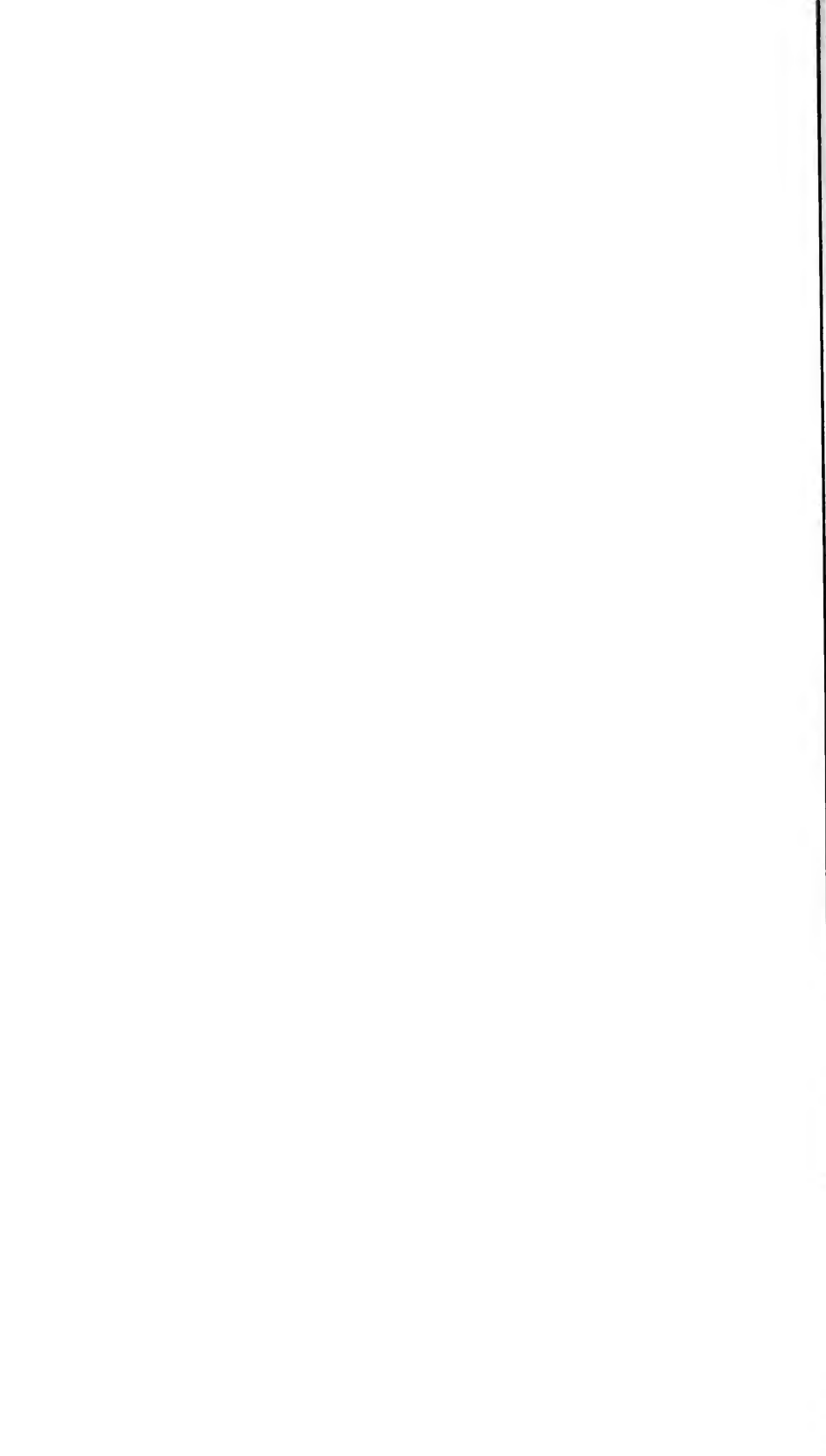
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